

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: Good afternoon, and welcome to the Transportation and Telecommunications Committee hearing. My name's Mike Moser. I represent District 22. That's Platte County and most of Stanton County. I'm chairman of the committee. Next to me on my right is our vice chair, Senator Ballard. And then if the other senators-- well, go ahead, Senator Ballard. Introduce yourself.

BALLARD: Beau Ballard, District 21 in northwest Lincoln, northern Lancaster County.

BRANDT: Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

FREDRICKSON: John Fredrickson. I represent District 20, which is in central west Omaha.

STORER: Good afternoon. Senator Tanya Storer. I represent District 43, 11 counties: Dawes, Sheridan, Cherry, Keya Paha, Boyd, Brown, Rock, Blaine, Loup, Garfield, and Custer.

GUERECA: Dunixi Guereca, Legislative District 7. That's downtown in south Omaha.

DeBOER: Hello, everyone. Good afternoon. My name is Wendy DeBoer. I represent District 10, which is in very vibrant northwest Omaha.

MOSER: OK. Our committee clerk is Katie Coquat, and our counsel is Gus Shoemaker, sitting to my left. There are green testifier sheets on the table near the entrance of the room to complete and hand to the page when you come up to testify. For those not testifying but want to record your presence, fill out a yellow sheet-- sign the yellow sheet in the book on the table by the entrance. Handouts per-- submitted by testifiers will be included as part of the record. Please provide ten copies. Senators may come and go during our hearing. They may be presenting bills in other committees at the same time. Testimony will begin with the introducer's opening statement, then we'll hear from supporters, then those in opposition, and then those in the neutral. The introducer of the bill will then be given the opportunity to make a closing comment if they wish to. Please begin your testimony by giving us your last and first name, and also spell them for the record. We'll be using a three-minute light system today. Be sure and turn off your cell phones so they don't ring during our meeting. OK. That brings us up to the first item on the agenda, which is the gubernatorial appointment of Bradford Jacobs. Welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

BRADFORD JACOBS: Thank you. Last name is Jacobs, J-a-c-o-b-s. First name is Bradford, B-r-a-d-f-o-r-d.

MOSER: OK. If you could pull that microphone towards you. Very good. OK. If you could tell us a little bit about yourself.

BRADFORD JACOBS: I'm a high school graduate from St. Paul, Nebraska. I'm a graduate, graduate from the University of Nebraska. I served in the military for 21 years with the Nebraska National Guard. I've served on numerous church boards. I'm currently executive director of a church and a lay minister. I'm a Ford dealer in St. Paul, Nebraska. I've done that for 40 years. And an RV dealership. I'm also on the Nebraska New Car Dealers Board. And I'm hoping that there won't be too many opponents to me being on the Nebraska Licensing Board.

MOSER: We hope not too, but.

BRADFORD JACOBS: I have my wife with me, and we met in the military. She was my reenlistment bonus many years ago. That's a joke. And-- so she's a flute player. I'm a drummer. I was looking for someone that could sell me a banjo today, but I didn't know if there was anybody in the room that could do that.

MOSER: Not legally.

BRADFORD JACOBS: Does anybody have a music store? So.

MOSER: Not, not legally.

BRADFORD JACOBS: Yeah. I understand that.

MOSER: OK. Questions from the committee for the testifier? Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you for being here and for your willingness to serve. Is this a reappointment or a first-time appointment?

BRADFORD JACOBS: It's a reappointment.

FREDRICKSON: OK. Fantastic. Well, thank you for your service so far and--

BRADFORD JACOBS: You're welcome.

FREDRICKSON: Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: Senator Brandt.

BRANDT: Thank you, Chair Moser. Thank you for your service for 21 years in the military. We--

BRADFORD JACOBS: You're welcome.

BRANDT: --really appreciate that. So which spot are you filling on the board? Is it the RV dealer, the trailer dealer, the Ford dealer? I mean, what--

BRADFORD JACOBS: So I, I believe I'm on as the trailer dealer, and I believe that covers the RVs. There's someone behind me that can clarify that. Josh is back there. But I, I was brought on filling Mr. Dinsdale's position as a trailer dealer, and I filled his spot.

BRANDT: So, I mean, the RVs that you sell are, are camping trailers or self-propelled or all manner?

BRADFORD JACOBS: Yes.

BRANDT: OK. All right. Thank you.

BRADFORD JACOBS: Yeah, you're welcome.

MOSER: All right. Other questions from committee members? Seeing none. Thank you very much. Appreciate your appearance today. Go ahead and have a seat.

BRADFORD JACOBS: OK.

MOSER: Is anyone here to speak in support of Mr. Jacobs' nomination? Is anyone here to speak in opposition to Mr. Jacobs? Anybody to speak in the neutral? OK. Seeing none. That'll close the hearing on Bradford Jacobs. Now, James W. Hawks. Come on down. Welcome.

JIM HAWKS: Thank you.

MOSER: All right. If you could tell us a little bit about yourself.

JIM HAWKS: Sure.

MOSER: Give us your name, spell it for us, please.

JIM HAWKS: Hawks, H-a-w-k-s. First name is James, but I go by Jim, J-i-m. Lifetime resident of Nebraska, originally born and raised in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

Lexington, Nebraska. About 40 years ago, moved up to North Platte, Nebraska. And I-- when I was there, I took over as the county highway engineer and the county surveyor. I did that job for about 20 years. And at that time then, the mayor contacted me, wanted to know if I would be willing to come over to the city as a public works director. I said yeah. We worked out a deal there. And I did that for about three months. And then he came over and said, well, you also have a higher degree, and I was curious if you'd be the city administrator. So I was the city administrator for about 20 years before I retired three years ago. I have my wife, Janelle. In May, we've been married 49 years. We have two sons, both of which are in North Platte. All four of our grandkids are in North Platte. And I've had the opportunity to serve on many statewide transportation studies. I am here for a reappointment. I think that we've made some great strides here in the recent past with the Highway Commission, including the bonding, so that we can move forward with some of the expressway system that has been promised to various first-class cities for a long time. So I guess in a nutshell.

MOSER: All right. Thank you. I would just mention for the record that we had 0 proponents, 0 opponents, 0 ADA testimony either for the previous Bradford Jacobs or for Mr. Hawks. Yes, Senator DeBoer.

DeBOER: Thank you, Chair Moser. Thank you so much, Mr. Hawks, for your service already on this commission and for continuing to do so. Can you say a little bit more about the bonding piece that you say you all have been working on and, and where you're sort of at in that process?

JIM HAWKS: Sure. I believe it was two years ago when I was chairman of the council-- or, the commission. We bonded for \$200 million, which has been spent mostly in the northeast, Highway 275, connecting Norfolk down to--

MOSER: West Point.

JIM HAWKS: --West Point, and then West Point on in. That project is already underway. And the last phase of it, it's my understanding, is being ready to go to construction here this next year.

DeBOER: OK. What do you think is sort of the biggest challenge that's facing you all on the commission?

JIM HAWKS: I think money, and that's why I guess I was in favor of bonding. I've seen it used on the county level. I've seen it used on

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

the city level. And with the inflationary factors that we've seen on construction materials, I think that it makes a lot of sense to try and get a-- get ahead of that. Bond rates are fairly reasonable; inflation is not, at least on that segment of the economy. So I think it makes a lot of sense to try and get out ahead of that. Now, I also feel that it needs to be done judiciously. It needs to be done carefully to make sure that, you know, those types of savings are there. The other thing that I've always said about bonding is, is that that allows the future users of those facilities to help pay for them. And so that's also, I think, a big plus when it comes to bonding.

DeBOER: And you think overall the bonding is going to save the taxpayer money, at least the way we're using it?

JIM HAWKS: I do, because, again, if you look at the difference between the interest rate on inflation versus the interest rate that you can borrow money on, I think that it makes a lot of sense to do that. You get locked in at today's prices.

DeBOER: Yeah. Thank you.

MOSER: Senator Storer.

STORER: Thank you, Chair Moser. And thank you, Mr. Hawks, for your service. How many years have you been on the commission?

JIM HAWKS: I've been on the commission about ten years. I was originally appointed to fill Ron Books' [PHONETIC] term. He moved out of state. And then I've been in front of the commission now-- this would be the third time.

STORER: And moving, moving ahead, I'm-- out of curiosity more than anything, but when you-- your role in helping make those decisions for projects that are bonded, kind of what is, what is the general philosophy? I mean, obviously saving money, ideally, but is there, is there kind of a, a way that you guys prioritize those projects or--

JIM HAWKS: Again, that money was basically earmarked, and the Legislature was the one who approved the Highway Commission to bond. And it's my understanding that the Highway Commission is the only part of the government that can bond. And so I believe it was when Governor Orr was the Governor, she promised every first-class city that they would be connected to the interstate with a four-lane divided expressway. And so I think that by bonding, we're going to come very close to meeting that. We have some situations like out in western

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

Nebraska where Colorado and South Dakota have already completed their four-lane. Part of the bonding of this first go-around also went to that. So we'll see that improvement made to meet our obligation with South Dakota and, and Colorado. So I think that-- you know, again, it's, it's primarily used-- being used for the expressway system.

STORER: How many miles are left on that Heartland Expressway? Do you know?

JIM HAWKS: I don't know right off hand.

STORER: That's all right. I, I wasn't sure either. I thought maybe you might know. But-- so that is, that is all encompassing in the consideration of the project.

JIM HAWKS: Yes.

STORER: Thank you.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. And I think Chairman Moser probably has a interest in this. Highway 81 between York and Columbus, when's that going to get done?

JIM HAWKS: I know that it's on the books. That's-- and this is no excuse-- but that's not my district. But I know that we've discussed it several times, and I know that it is on the One and Six Year Road Program, but I, I can't honestly sit here and tell you that I know the answer to that.

BRANDT: Yeah, because it just kind of seems to me it would have been a toss-up between finishing Norfolk or doing the, the Columbus South project. And I would sincerely hope that would be the next one up if we're going to use bonding before we go anywhere else. But that's not a question. That's just a statement on my part.

JIM HAWKS: And I know that it is on the list. And I know that the expressway system is what's given priority on the bonding money.

BRANDT: And this would be expressway, so.

JIM HAWKS: Yeah.

BRANDT: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: Senator Ballard.

BALLARD: Thank you, Chair. Thank you for being here and your, and your service the last ten years. Can you talk a little about your opinion and philosophy? We have a lot of miles of highway and only so many dollars. How should we prioritize-- how should the DOT prioritize funding? Is-- kind of give us your philosophy on, on that sense.

JIM HAWKS: Well, I would always tell you that we need more money out in the western part of the state. But there's a lot of things that, that need to be looked at. We currently have a system where you plug in different values, the rideability, the traffic counts, accidents, different things like that to help set priorities with that. Again, with the, the inflation on construction and construction materials, I think that Director Kramer and her people out there are doing a great job of trying to prioritize those projects that really need to be looked at. I think the three-lane out here on the west side of, of Lincoln is a good example of that, and eventually that'll go across. The centerline guardrail. It's, it's been surprising to me. I think they said that within the first, first 30 days of that being implemented, there were, like, 69 contacts with that centerline guardrail which kept somebody from crossing over and having an accident. I think that that's a great project. But as far as prioritization, you've got to look at the con-- the condition of the pavement, you got to look at the traffic counts. You got to look at the development that's going on, on either side of the road so that we can help facilitate growth in the communities and out in the country. Out in our country, it's, it's important to provide good roads for the farmers and ranchers to get their products to market. And-- so like you say, there's a lot of different things to take into consideration when you're setting a priority that way. And I think that-- again, Director Kramer and her people have done a great job of doing that here of, of late.

BALLARD: OK. Thank you.

MOSER: Any other comments from committee? All right. Thank you. Appreciate your willingness to serve and--

JIM HAWKS: Thank you very much for the opportunity.

MOSER: Yes. Thank you. Go ahead and have a seat. Helping us today: our pages are Kleh, a UNL senior; and Sydney, a UNL sophomore. OK. Is there anyone here to speak in support of Mr. Hawks? Anyone here to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

speak in opposition to Mr. Hawks? Anyone in the neutral? Seeing none. That will close our hearing on the nomination of Mr. Hawks to the Highway Commission. And that'll bring us up to LB1223. Senator Hunt. Come on up. Welcome.

HUNT: I'm holding too much stuff.

MOSER: Too much stuff.

HUNT: Too much stuff.

BOSN: So is Kleh. There you go.

HUNT: Thank you.

MOSER: All right.

HUNT: Hello. Oh, I've got a handout too. Thanks. Good afternoon, Chairman Moser. Thank you for scheduling this hearing for me early so I can get to an important meeting in Omaha today. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t. And I'm here today to present LB1148--LB1223. You know, we've all been driving on the road. The headlights are too bright. The headlights are too bright. That's all this is about. And this is one of those bills where I talked about this with a lot of my friends. I talked about it with people online on social media. I told my kid about it, and my kid was, like, ecstatic. Everyone agrees the headlights are too bright. And, you know, the short version of the intro that I'm going to give you is this is a manufacturer problem. There needs to be an act of Congress. But there are states all over the country that are taking action at the state level. There are countries that have taken action to say people have to be able to drive safely. The lights are too bright, they're in all of our eyes, and we have to, like, put a cap on this at some point. So what I'm presenting to all of us today is a platform to potentially do something about that in Nebraska, whatever ends up making the most sense to this committee and to the people of Nebraska and to the stakeholders that, you know, stand to, to gain from this bill or potentially lose from this bill and hopefully get this to a place where everyone's in agreement. You know what I'm talking about. You're driving in the dark and suddenly a blinding light on the horizon coming your way forces you to squint, look away from the center of the road in front of you. You're driving on the white line. And maybe a driver that's going faster than you quickly approaches from behind, and the bright light from their LED headlights shining in your rear

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

view mirror, blinding you. If there was a deer or something on the road, you wouldn't be able to react quickly enough and avoid that tragedy. Or maybe you are someone who's been on the other side of this equation where you're just driving and you're minding your own business and people are flashing their brights at you and you don't really know what to do about it. Because I know that happens to people too. In most instances, this is just a momentary frustration, but it can actually pose very real dangers for the elderly, for anyone with any kind of minor vision impairment. I have astigmatism, and so that can be very difficult when you're driving and the lights are, you know, flashing more than they would for someone with better eyesight. And especially with people driving at higher speeds in the dark. Nighttime driving is already riskier. But when environmental visibility is already limited, the window of time that we have to react to unexpected obstacles like debris in the road or unpredictable maneuvers from other drivers is critical. Adequate time to slow down or pass or stop, just the reaction time that you need to drive safely at night is the difference between a preventable accident or having to veer off the road or face collision. An NHTSA study regarding glare perception found that 90% of respondents found glare from oncoming headlights disturbing, quote-unquote. Other studies have found that bright headlights can interfere with a driver's ability to recognize objects on the road. For instance, a pedestrian may be mistaken for a road sign. Besides serious injuries and vehicle damage, car accidents caused by bright, blinding headlights may raise insurance premiums. The spe-- the specifics of the language on this bill are all open for discussion. And what I'm really seeing this bill as is a platform for us as lawmakers, for our constituents, for manufacturers, and law enforcement to share ideas about what we might be able to do about this at the state level that could make it a little bit safer for everybody on the road. Our current statute specifies that headlights cannot project a, quote, glaring or dazzling light, which is kind of unclear. And it hasn't been updated since the 1940s. Other than that, there's another section we update in this bill that talks about when those dazzling lights should be adjusted for passing or coming in a certain range of another car. But that's also based on other types of bulbs from the 1940s and hasn't been updated for our modern vehicles. The language in this bill was combined from aspects from other states, as detailed in the handout that I sent you. You can kind of see where the parts of the bill came from from our neighboring states. The distance at which I have the high beams, where you have to dim the brights, that language is from Iowa. Wyoming, Kansas, and Missouri have various bans on colored LEDs that we put into the bill. And the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

height restriction of how high up the headlights can be is from Texas. The bill has two components. One is setting limits for the headlights as they are installed or manufactured, including limits on their brightness, color, and height. That section also specifies that headlights must be compliant with the National Highway Traffic Safety Administration's regulations and prohibits DIY aftermarket alterations to headlights that substantially alter the headlights from how they were intended to perform. The intent with the bill, from my-- what my goal is with the bill, it's not to penalize consumers. It's not for cops to pull someone over and measure their headlights and say, now you have a fine or something because you're driving a car with the wrong headlights. It's really to hold manufacturers accountable and it's to pressure Congress to take action to hold these manufacturers accountable. I would really like for manufacturers to reform what they're putting out into the market. And I know that with new vehicles that are becoming available, we don't really have a choice on what the headlights are on the car that we're buying or selling. And in our research on the issue, it became clear that the problem has gotten worse because of the failure of Congress and other federal agencies to set standards. And why is that? Well, I don't know. Maybe the lobby. Maybe-- you know, car manufacturers probably have a lot of strong voice in this type of thing in the United States. And that makes sense. But regulations have been passed in other countries. And once again, other states in the, in the United states are taking action on this too. So I would like us to add our voice to that mix. I'd like to think that the more states start bringing legislation on this issue and passing action on this issue will exert some kind of pressure on the feds or automakers or both to take some steps in the right direction. The second component of the bill has to do with when and how bright headlights should be used on the road. I've attempted to bring us more in line with our neighbors by specifying that bright headlights must be dimmed or adjusted. Primarily in the-- the intent here is to say that if you're using your brights, lower them to a normal mode when coming within 1,000 feet of another vehicle or when approaching another vehicle to pass it within 400 feet. That's the average of what our neighboring states have. So I welcome the input of anyone here, any questions you have. I'm open for ideas for improvement. And I'm excited to have this discussion. Thank you.

MOSER: So do you feel that the problem is not just aftermarket headlights, that the factory ones are too bright also?

HUNT: Factory ones are too bright. They're too bright. I can't believe you don't know what I'm talking about. You're driving in, like, a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

city. And there's-- it's not even always a big truck or something. It could be a sedan. It could be an SUV often. And you think to yourself, these brights are getting brighter. These lights are not what they used to be. And they're blinding. And this is a manufacturer choice. But they are, they are not putting these headlights on all the cars because they don't have them in other countries.

MOSEER: OK.

HUNT: I don't know why this is. I think something about having a tough car or something about our culture of aggression. I mean, I can have all kind of philosophical opinions about that, but they're too bright.

MOSEER: All right. Questions from the committee? Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you, Senator Hunt, for bringing the bill. I know you've been a longtime advocate in the headlight community.

HUNT: I, I campaigned on it. That's right. A leader in headlight philosophy.

FREDRICKSON: So, so is the, is the approach that you're taking, is this-- so I heard a couple things. One is it-- is it like a public safety approach or is it, like, more of, like, an esthetic-- like, help me understand it a bit more.

HUNT: Well, you know some things about me. What do you think? It might be both. I don't like to look at it and it's putting people into car crashes. So I think we're killing two birds with one stone here.

FREDRICKSON: Got it. And then my other question is, for the high beam and the dist-- like, dimming your, your brights if you're having a car approaching, do we, do we currently have statute that--

HUNT: You know, I don't think so.

FREDRICKSON: --on that? I don't know. OK.

HUNT: I'm looking at my LA. She says we do.

FREDRICKSON: I know it's, like, a common courtesy thing, but it's--

HUNT: We do, but we changed it. And I think that this is in the additional info section on the-- Chapter 60-6,224. You can see how we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

changed that language just to be more clear and also align us with the other states that are around us in terms of, like, how close you can be to somebody before you need to dim those brights.

FREDRICKSON: Got it. OK. Thank you.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Senator Hunt, for bringing this. I know exactly what you're talking about.

HUNT: Thank you.

BRANDT: And it could be because I'm-- the older I get, my eyesight is degrading.

FREDRICKSON: That'll happen.

BRANDT: Yeah, that'll happen. So even, like, in the daytime, you have so many daylight lights. I actually get blinded, you know, in the middle of the day for a second. Yeah. And I think it has more to do with the height of the vehicle. And the other thing is some of my vehicles have the auto headlight feature where it automatically dims, and some of mine are, are older than that and, and do not. Does this apply just to the low-beam measurement? Because you're-- legally, you're only supposed to have low beams on when you mi-- meet another vehicle.

HUNT: It doesn't, it doesn't speak to anything about low beams. It's just about your brights.

BRANDT: Because I guess in-- I didn't read the statute on, on the laws specifically, but I would assume Nebraska has language in there that you're supposed to dim your lights when you're within so many feet of another vehicle so that the-- you aren't, you aren't taking high beams into somebody's eyes.

HUNT: Mm-hmm. This, this bill clarifies that and says how close you need to be. It says when coming within 1,000 feet of another vehicle or when approaching another vehicle to pass it within 400 feet. And that is language from Iowa. So that's aligning us with them. And also Wyoming, Kansas, Missouri have the bans on the colored LEDs, so.

BRANDT: So, so then is your idea that it would start with vehicles manufactured, let's say, January 1 to 2027 going forward, or do we-- I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

mean, do we grandfather in all the vehicles? Or you go back and they have to--

HUNT: Well, I think you have to grandfather in vehicles because you can't expect people to go buy a new car or something. I think it just needs to be a guideline on-- and, and that's not-- the bill doesn't speak to that either. The bill is not written to manufacturers or anything, but. Yeah, I guess the intention would just be for the manufacturers to stop putting these lights in these cars. You know, I, I had my car stolen, like, two years ago. And I had to get a new car. And I bought a sedan. I bought a four-door car. But I really thought about buying an SUV just so I could be higher up because the brights, the li-- even when it's not on a high beam-- like, the LED lights are too bright for me. And I don't like them when I'm low to the ground, but. I did end up getting a car, but that was something I thought about when I was in the market.

BRANDT: Yeah. It does help.

HUNT: Mm-hmm.

BRANDT: All right. Thank you.

HUNT: Thank you.

MOSEER: Any other questions? Thank you very much for bringing the bill. Anybody here to speak in support of LB1223? Come on up. Welcome.

BRENT LUCKE: Hi. My name is Brent Lucke. I'm a, a resident here in Lincoln.

MOSEER: Can you spell your name?

BRENT LUCKE: Oh, sorry. Brent, B-r-e-n-t; Lucke, L-u-c-k-e. It's my first time testifying in front of a committee, so I thank you all for your patience and understanding. I actually came to speak on another bill, but I guess I just wanted to say some words in support of this legislation, as I think the senator was making clear it's, it's intended to be the start of a conversation, not, you know, written in its final form. And I think there's a lot of conversations as a state we should have around motor vehicles. We don't have inspections. But certainly as somebody-- some of you may be car people here. My car was a 1995 Mazda Miata that I most recently owned. And pretty much every car behind me on the highway, especially when I drive across state to, say, visit my grandparents in Superior and come up in the evening, the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

lights are too bright. So I do, I do think that this is a, a, a great topic. It may not be, you know, the most, well, flashy-- pun unintended-- but-- it may not be the number one priority for this session, but I, I do think it's something that as a citizen of the state of Nebraska I guess I'd really appreciate if the committee and our senators would take some time on. So that'll be the-- my short testimony in favor of this one. You'll see me again. But thank you.

MOSER: Hang on. Let's see if we have questions. Questions from the committee members? OK. Now you're good to go. Thank you.

BRENT LUCKE: Now I know the process for it.

MOSER: Yes.

BRENT LUCKE: Thank you.

MOSER: Thank you. Anyone else to speak in support of LB1223? Anyone here to speak against LB1223?

SPIKE EICKHOLT: Good afternoon, members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in opposition to the bill. I didn't prepare a written statement like I normally do, so hopefully you can follow along. I wasn't sure I was going to testify on the bill. Our association's kind of, you know, going back and forth. Our only concern is Sections 1 and 2 of the bill. Because most of the bill, as Senator Hunt explained, targets the manufacturers, if you will, the people making headlights. Our position of opposition is based on this: any traffic infraction, no matter how minor-- with the exception of seatbelts and phone use-- any traffic infraction is justification to stop a vehicle and possibly cite that driver and then pursue an investigation based on that stop. The concern that we have is that the proposed language in Sections 1 and 2-- Section 1 is the requirement essentially that you have to have your lights on at certain times when you're driving. Section 2 is what we commonly call failure to dim if you don't reduce your high beams or whatever when you come across a vehicle when requested. The concern that we have is that proposed language will make these infractions more broad. And admittedly, Section 1 is already somewhat ambiguous. But respectfully, Senator Hunt's proposed language probably makes it a little bit more ambiguous. And the concern that we have is this will allow for arbitrary dis-- different type of en-- enforcement mech-- procedures from jurisdiction across the state. Particularly if the bill does not

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

have a-- any kind of grandfather clause pro-- protection, you might have a vehicle that's in continual violation if this bill was to be passed, which would be a reason to stop anybody at any time. So those are the concerns that we have. I'll answer any questions if you have. Admittedly, I'm not sure how to make it better, but I think particularly Section 1, the proposed language starting at page 2, line 16 until page 3, lines 2, I don't know how law enforcement's going to know how to measure that in the field. I don't know how drivers are going to be able to comply with those specifications. That really is something that applies to manufacturers. But unfortunately, putting it in this statute in Section 1 imposes a duty on the driver of the vehicle. And that's the basis of our opposition. And I'll answer any questions if you have any.

MOSER: OK. Questions from the committee? Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you for being here and for your testimony. So I guess my con-- my question's-- and I-- I'm just skimming through the bill a little bit more right now. I-- if I'm understanding you correctly, you're worried that it's-- this would almost be like an arbitrary sort of thing where people-- like, your, your lights seem too bright, might pull them over for that.

SPIKE EICKHOLT: Right.

FREDRICKSON: What-- would this make having too bright of lights a-- like, a primary offense?

SPIKE EICKHOLT: Yes.

FREDRICKSON: It would. OK.

SPIKE EICKHOLT: Because anything-- any infraction is a primary offense.

FREDRICKSON: OK.

SPIKE EICKHOLT: Generally speaking, any infraction is, unless the Legislature gives it sort of-- makes it a secondary offense, which you've done for seatbelts for adults.

FREDRICKSON: Right.

SPIKE EICKHOLT: And phone use for adults and non-CDL drivers and a few other--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

FREDRICKSON: OK.

SPIKE EICKHOLT: And there might be other ones I can't think of right now.

FREDRICKSON: OK. So should this pass as, as written, there's a world where people could get pulled over for suspected too bright of lights.

SPIKE EICKHOLT: That's right. And that's our concern that we [INAUDIBLE] association. I mean, those on the Judiciary Committee knows I'm opposing a lot more onerous penalty bills, but this is something that our association was concerned with because, you know, traffic stops stem to other charges. They stem to other investigations. They compromise people's sort of privacy rights, if you will. And not to disparage law enforcement at all, as, as you know from the racial profiling statistics, these infractions tend to be enforced differently against some groups of people than others.

FREDRICKSON: Got it. Thank you.

MOSER: Senator Bosn.

BOSN: You had me all the way up there till the end.

SPIKE EICKHOLT: Uh-oh.

BOSN: So it's dark outside.

SPIKE EICKHOLT: Right.

BOSN: So dark that I have my bright headlights on. And you're an officer. We're really putting on imaginary hats here because you're a police officer. And you're going to pull me over because of the color of my skin?

SPIKE EICKHOLT: No, no, no, no. That's not what it is. And when I made those points-- this might be a bad example for an infraction, but I've made this point before that, in my-- in our opinion, I think that the enforcement of all these various infractions hit certain groups of people disproportionately. I think they hit people who are driving cars that aren't-- that don't have two headlights that work, for instance. They have one headlight off. I think that a lot of the different traffic infractions that justify stops are what I would call sort of monetary violations, failure to have registration up to date, failure to have a functioning bumper, a turn signal's burnt out. And I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

think because law enforcement is given that responsibility to enforce all of those as a criminal matter, I think it hits the poor disproportionately and I think the poor are overrepresented by people of color.

BOSN: OK. But you're conceding that in this particular instance that's maybe not the best example.

SPIKE EICKHOLT: That's-- may not be-- that's maybe not the best example of an infraction, but I will just-- I, I think I can safely say that all of the statistics trend one way. More likely to be stopped, more likely to be cited, more likely to be arrested.

MOSER: Senator DeBoer.

DeBOER: Thank you. Sorry. So you're saying just generally when we stop more people, we stop more people and there's going to be that disproportionate mix of stopping that happens? I-- so I was once pulled over-- one of the very few times in my life I've been pulled over-- for failing to dim my fog lights when I was-- back when Highway 2 was just two lanes. And I was going opposite a cop. And apparently that's-- within all of this--

SPIKE EICKHOLT: Mm-hmm.

DeBOER: --there's-- fog lights that are within all of this. And the cop admitted at the time that he pulled me over-- now, maybe he admitted it because I had a pile of bar review books this high in the passenger seat-- but he admitted that he was doing it because he hadn't seen my model of car before. So do you thi-- he-- I mean, it was a weird admission, to be fair. Do you think that this is the kind of thing where folks might just use it as an-- are, are-- is what you're saying is that this might be used as a pretense for pullover?

SPIKE EICKHOLT: It might be, but I don't want to-- I don't want to disparage law enforcement, necessarily, because-- well, I don't really want to do it at all, for that matter, because I think they're given this responsibility. Imagine it passes as now. I don't know how 3,000 lumens, according to the physical and photometry test, if you measure it, how an individual officer does that. You know, the law allows for good faith exceptions to the-- you know, here comes a car--

DeBOER: You don't know how he would--

SPIKE EICKHOLT: Right.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

DeBOER: --just seeing it be able to, to--

SPIKE EICKHOLT: Right.

DeBOER: --understand just visually where the cutoff was.

SPIKE EICKHOLT: Exactly right.

DeBOER: So I suppose that they would train them by saying, here, this is too much; here, this is not too much, and then hope that they could retain it.

SPIKE EICKHOLT: Right.

DeBOER: I mean, I think you could. I mean, like-- clearly, Senator Hunt is right. I mean, there are times when you're driving down and you're like, I cannot see any-- I cannot drive because this light is-- and maybe it's to do with height more than it is the actual lumens. And maybe there is-- because we already have this on the books.

SPIKE EICKHOLT: Right.

DeBOER: Right? We have low beams and high beams, and there is a regulation between the two. So would there be-- so maybe it's not the lumens. Maybe it's based on height.

SPIKE EICKHOLT: Right.

DeBOER: Is there some way to do that that would make you feel better?

SPIKE EICKHOLT: Well, I mean, the bill also talks about that too.

DeBOER: Right.

SPIKE EICKHOLT: The headlights. I mean, that might be a little less arbitrary, a little less selective. I have not been invited to rewrite it, necessarily. [INAUDIBLE] how it would be, but those are the concerns that we had on it. And again, it's not, it's not necessarily-- it's, it's not that we're criticizing the individual, subjective opinions of the law enforcement officer. It's just that we give them this responsibility to do it and, to their credit, they try to enforce it.

DeBOER: And that would be a difficult thing to be able to determine, you're saying--

SPIKE EICKHOLT: Right.

DeBOER: --the number of lumens that's--

SPIKE EICKHOLT: And how-- and from our perspective, how would you challenge that it was a pretext? How did you challenge that the officer didn't have reasonable spi-- suspicion or probable cause to stop? How would you argue against that?

DeBOER: Would it be probable cause if the officer thought it was too bright and it didn't turn out to be too bright? And then there were a series of other things once-- you didn't have your seatbelt on or whatever.

SPIKE EICKHOLT: As long as that officer-- as long as the court found that the officer's mistake at fact or mistake at law was at good faith and reasonable under the circumstances, yes.

DeBOER: OK. Thank you.

MOSER: Questions? I thought maybe you were going to say it kept the pheasants awake while they--

SPIKE EICKHOLT: Well, it might do that too.

MOSER: We don't have any pheasant bills this year, do we?

SPIKE EICKHOLT: We don't have any peasants.

MOSER: Yeah. I-- I've seen peasants, I'll give you some tips later.

SPIKE EICKHOLT: All right. Thanks.

MOSER: All right. Anybody el-- thank you for your testimony.

SPIKE EICKHOLT: Thank you.

MOSER: Anybody else to speak in opposition? Welcome.

BLAIR MacDONALD: Thank you. Good afternoon. Chairman Moser and members of the Transportation and Telecommunications Committee, my name is Blair MacDonald, spelled B-l-a-i-r M-a-c-D-o-n-a-l-d. And I am here today on behalf of the Alliance for Automotive Innovation, the trade association that represents the OEMs that produce nearly every new vehicle in the U.S., along with battery producers, semiconductor makers, suppliers, and technology companies. We've sent in some

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

written testimony that further outlines our position, but we are here respectfully in opposition to LB1223. Section 1 of this bill would enact several Nebraska-specific headlight requirements on new vehicles. And while we believe the state can-- it can and should play a role in motor vehicle safety oversight, these requirements would effectively ban many new vehicles from being sold in the state. Automakers build vehicles to meet one national standard, known as the Federal Motor Vehicle Safety Standards, or FMVSS, and federal law is clear that regulatory authority lies solely with the federal government. This-- for these purposes, that would be NHTSA. FMVSS gives automakers certainty that the vehicles they build will be eligible for sale in a nationwide marketplace. The alternative state-by-state requirements that change every year would be extremely costly at best and impossible to meet at worst. However, this does not mean states shouldn't do anything to address issues around headlight glare. Several states with vehicle safety inspection programs require headlight aim checks as part of those inspections. Section 2 of this bill appropriately focuses on enforcement and how motorists should treat oncoming traffic. And states have cracked down on the sale of noncompliant aftermarket headlights. States have several tools available at their disposal. And automakers welcome the opportunity to work together with you to find solutions that preserve consumer choice and protect public safety. But if passed, this bill would only serve to drive vehicle sales across state lines, which is bad for consumer convenience and hurts state sales tax revenue collections. It is for these reasons that the Alliance for Automotive Innovation is here in opposition to LB1223 in its current form.

MOSER: Thank you. Comments from the committee? Questions? Seeing none. Thank you for your testimony. Anyone else to speak in opposition? We received 5 proponent letters of support, 1 opponent letter, and 0 ADA testimony. Welcome.

TIM KEIGHER: Good afternoon, Chairman Moser and members of the committee. My name is Tim, T-i-m; Keigher, K-e-i-g-h-e-r. And I appear before you today as the registered lobbyist for the Nebraska Independent Auto Dealers Association and on behalf of the Nebraska New Car and Truck Dealers Association, as Mr. Todd had to be out of town. I really don't have anything to add other than what the previous testifier added. And we would be happy to work with Senator Hunt and all parties involved in trying to come up with a solution. With that, I'd answer any questions you may have.

MOSER: That was quick.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

TIM KEIGHER: I'm trying to be quick.

MOSER: Thank you. Brevity is appreciated. Questions from the committee? Thank you very much.

TIM KEIGHER: Thank you.

MOSER: Appreciate your testimony. Anyone else to speak in opposition to LB1223? Anyone here to speak in the neutral on LB1223? Welcome.

JOSH EICKMEIER: Thank you. Good afternoon, committee members and Chairman Moser. My name is Josh Eickmeier, J-o-s-h E-i-c-k-m-e-i-e-r. I'm the executive director of the Nebraska Motor Vehicle Industry Licensing Board. A lot of the points have already been, been made as far as opposition or support. Ours is neutral. We do not take a position on the substance. We would just note that one of the, the provisions that is in the bill actually drops into our regulation act. And so it's in the section of 14-- 60-1411.03, which is traditionally referred to in our agency as our advertising statutes. At the very end, I think in subsection 24, it includes the, the headlight provision as something that we would then be required to regulate. For clarification, from a technical standpoint, if you wanted to move forward with the bill, I would recommend moving that into the previous statute, which is 60-1411.02. And that's our general prohibitions on activities that the, the dealers, for example, are able to conduct. 60-1411.03 is specifically advertising. So it's just a little odd from our standpoint to have that in that section. As far as enforcement would go, I would just point out we would need some clarification on how to measure as-- I think Mr. Eickholt mentioned-- as far as from the enforcement side for, for law enforcement, for our purposes as an administrative agency trying to determine the brightness as well and those concerns that were raised. Again, we'll-- our agency and our board's prepared to do whatever the Legislature wants us to do. We just wanted to make those points, bring those to your attention to make it a little bit easier on us.

MOSER: So is your main objection that it's inserted in the wrong place in the statutes, or you don't like regulating it at all?

JOSH EICKMEIER: We-- the board did not take a position on whether or not to regulate it. That's not the concern. It was just that the previous section to the one that's in the bill--

MOSER: So where they--

JOSH EICKMEIER: --would be better.

MOSER: --the law got placed--

JOSH EICKMEIER: It would be better for--

MOSER: --you think it'd be better somewhere else?

JOSH EICKMEIER: It'd be cleaner because, because thi-- it would-- this would essentially be the one nonadvertising violation in our advertising statute.

MOSER: Yeah, well.

JOSH EICKMEIER: So it would just-- it would just be easier. And, and if you were looking for it as a member of the public--

MOSER: Be easier to find.

JOSH EICKMEIER: --you would not-- yes. Exactly.

MOSER: That's not the most damning.

JOSH EICKMEIER: No, it's neutral. I didn't want to say negative neutral. We're just neutral here. I've been on that side before.

MOSER: All right. That could be remedied just by editing the bill.

JOSH EICKMEIER: Yes, absolutely.

MOSER: Any other questions from committee members? Seeing none.

JOSH EICKMEIER: Thank you very much.

MOSER: Thank you. Anyone else to speak in the neutral? Senator Hunt, come on up and--

HUNT: Thank you, everybody. And thank you to those who came to testify. I spoke to some of the legal experts in my office who've been working on this bill, and I can address some of the questions from my opening. Do we already have a law that directs high-beam usage? Yes, that's what we're amending in Section 2 to reflect passing and approaching at more appropriate distances based on modern lights and what other states use, not the statute from 1940. Does it apply to low beams? Section 1 applies restrictions for all headlights. It doesn't specify low or high beams. But if they exceed those limits, they are

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

considered bright and dazzling. And of course, to Mr. Eickholt's concerns, we're open to changing the approach to remove traffic stops. The feedback on this bill has been incredible. One person said, this is my favorite bill of the year. One other person said that we need fewer culture war bills and more, quote, whatever this is. People said, yes, cars have gotten bigger and some of those headlights are adjusted so poorly that they are blinding distractions. Someone said, I would like to be able to see as I drive. Thank you for this proposal. I support this measure that would regulate the brightness of headlights. This person said, oh, my God. Thank you. This is out of control. Someone said, I personally support this bill because I struggle driving at night when vehicles around me have bright headlights. I believe we need to regulate the brightness to ensure safety on the road. And the only opponent was a guy from Washington, D.C. who's from the auto industry. So I think there's broad support for this type of thing. People just want to see when they're driving. And I would like the Legislature this year to send some kind of message to the auto industry that they need to look at the way they're manufacturing these headlights. My intention is not for Nebraskans to be getting pulled over. It's not for cops to be judging how much lumens something is. It's to change the cars. And I think that we have some tools in our toolbox in the Legislature to push the automakers toward that. So thank you, everybody.

MOSER: OK. Are there questions from committee members? Well, they are all being very reasonable today, huh?

HUNT: Thank you all.

MOSER: Thank you. Appreciate your appearance. OK. That'll close the hearing on LB1223. And that'll take us up to LB1107. Welcome.

G. MEYER: I appreciate being-- coming in today.

MOSER: Well, we're glad to have you.

G. MEYER: I will try to--

MOSER: This isn't going to be as long as the last one.

G. MEYER: Oh, I'll tell you what. Hours. Absolutely hours.

MOSER: No, I'm talking about the one where we were trying to outlaw eminent domain for--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

G. MEYER: Much simpler than that.

MOSER: Yeah.

G. MEYER: It's much simpler than eminent domain.

MOSER: Or CO2 pipelines. OK. Go ahead. It was a lame effort at humor.

G. MEYER: I appreciate coming before the committee today. I'm Glen Meyer, G-l-e-n M-e-y-e-r. LB1107 revises the Rural Road Improvement District Act to clarify areas on which special assessments can be levied. The bill also modernizes the Rural Road Improvement District Act and extends the term of road district bonds from 10 to 20 years. LB1107 makes two important changes to Nebraska's laws. The first change relates to the formation of advisory committees. Current state law requires counties to form advisory committees in rural road improvement districts whenever special assessments are to be levied on property owners and, and whenever the costs are drawn from the county's general fund. LB1107 would change the law so that a county would only have to form an advisory committee whenever special assessment are levied on property owners. The second important change that LB1107 makes to Nebraska's laws relates to bond maturities. Current state law requires that bonds be paid off within ten years. Today, road improvement loans generally require a maturation period of 20 years. Therefore, LB1107 extends the bond maturation period up to 20 years. LB1107 would give greater flexibility for those living in rural road improvement districts to construct new roads or to make road improvements without affecting the county's budget or the county's general fund. The taxes levied for these rural road improvement projects would only affect those living within the district. So a growing bedroom community which lies outside of town would be able to construct new roads or make road improvements without obligating the rest of the county. AM1824 corrects an oversight by the bill drafter and changes the word "ten" to the word "twenty" on page 8, line 31 of the bill to reflect the change of the bond maturation period from 10 to 20 years. LB1107 is a commonsense bill which promotes and enhance local control in rural communities. I ask you to please advance LB1107 to the floor. Thank you. I would welcome any questions now.

MOSER: Questions for Senator Meyer? Senator Storer.

STORER: Thank you, Chair Moser. And thank you, Senator Meyer. Senator Meyer and I have shared a responsibility of being a county

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

commissioner, and so this certainly is of particular interest. So is this-- if you're-- what you're explaining is that counties are the only ones that don't have that ability to bond out to 20 years? Is that basically what--

G. MEYER: I don't know specifically if they're the only ones that have been confined to a ten-year road bond, but given, given the cost and perhaps giving a little more flexibility to the counties, certainly 20 years for bonding seems to make a good deal more sense than 10.

STORER: So would this only apply to the road improvement districts or would this apply to any roa-- bonding for roads that the county would--

G. MEYER: My understanding, this is for the road improvement districts.

STORER: OK.

G. MEYER: And, and there's an opportunity perhaps not in all of my communities but certainly in, in several where you have some, some housing outside the city limits. But it is a nice area, perhaps gravel roads. People would like a, a, a nicer accessibility, perhaps paved roads. This gives them the opportunity to band together in a road improvement district bond, fix their roads. The county would still have the responsibility for maintenance. And so-- as far as plowing the road and those types of things. But those people in the particular road improvement district, it would solely be their responsibility to pay off those bonds.

STORER: And, and it-- there may-- and-- it's not-- and I will look it up and, and find the appropriate sort of definition. But 2019 is a year we all remember as county commissioners which presented a lot of counties with a very difficult-- put them in a very difficulty position. And my-- what I'm curious about is if this could maybe be expanded to include that type of bonding as well. I mean, that was an instance where, you know, roads were-- hundreds of miles of roads were destroyed or, or impassable. Counties had to make really hard decisions in order to fix those roads because FEMA dollars, as you know, are reimbursable. You don't get the money upfront. And so-- yeah, that was just something really un-- unforeseen that many counties had to deal with. That was really, in essence, an emergency in whether or not this provision for a 10-- 20-year versus a 10-year

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

could be-- or if you'd-- are open to that-- or we can have that discussion later-- if it could be expanded to cover those--

G. MEYER: I would imagine it--

STORER: --bonding requirements as well.

G. MEYER: I would imagine it could be expanded. I know back in 2019, as we both experienced very personally, our-- one of the funds that we had access to that was invaluable to us was the inheritance fund, which-- we pretty, pretty much depleted-- the county that I was in replete-- depleted those funds in repairing roads. We had over 400 instances of road damage, which included in some cases miles of road washed out that we had to go ahead and repair. Many counties had much more damage, had tens of millions of dollars of damage. And counties simply don't have those funds available. I believe at that time, D.A. Davidson, you could borrow fro-- the county could borrow at a 2% rate from D.A. Davidson's, I believe. Another alternative was commercial credit. And then obviously you'd have to bond later in order to pay that off. You simply can't levy to pay those kind-- those kinds of, of debts off. We're limited at 50 cents max at the county level. So with regard to major road repair like that, I would imagine it would take some additional legislation in order to provide that ability to bond for 20 years on major road repairs like that.

STORER: Thank you.

G. MEYER: You bet. Thank you.

MOSER: Are there questions? There may be other testifiers that can answer those questions too.

G. MEYER: I sure hope so.

MOSER: Yeah. OK. I believe for the moment that's everything. Thank you.

G. MEYER: Thank you.

MOSER: Anyone here to speak in support of LB1107? Welcome.

JON CANNON: Good afternoon, Chairman Moser, members of the Transportation and Telecommunications Committee. My name is Jon Cannon, J-o-n C-a-n-n-o-n. I'm the executive director of the Nebraska Association of County Officials, also known as NACO. Here to testify

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

in support of LB1107. Really appreciate Senator Meyer bringing this. This is one of those bills that the NACO Board took up as far as what its legislative priorities would be for the upcoming session back in October. And this was one of the ones that got moved up to the top of the list. It's certainly something that affects county boards, county highway superintendents, and a number of other folks within the county. So-- and, you know, up to and, and, most importantly, our, our citizens that depend on-- and our producers that depend on, you know, reliable roads for-- to get goods to market, to get around, do the, do the things that people expect in a modern society. NACO generally favors local control. You probably heard that from us from time to time. This is hyper local control. This is where you, you can get a bunch of people that are in a very-- a small designated geographic area that get together and say we want to improve our roads over and above where they already are, whether you're going-- minimum maintenance to gravel, you're going to from gravel to asphalt or, or what have you. And this-- what this does is it-- that people are willingly taxing themselves to improve their roads. And so for what it's worth, something like this, a road improvement district, that's outside the 50-cent levy for counties. This would become a special assessment for people in that road improvement district. Again, it's something that they, they have to agree to. And there are, there are ways that they-- they can't just stick the largest landowners with the bill because, you know, if, if you have landowners that, that comprise more than 50% of the, of the total geographic area of, of that road improvement district, if they object, then it doesn't even go, go to a vote. There are a lot of safeguards to make sure that, that we're not just sticking someone with the bill. They have to truly want to have a road improvement district in their, in their area. This clarifies an existing process over what has been always been assumed to be the case and frankly was originally intended. And, and again, as Senator Meyer had indicated, this extends the term for bonds for road improvement district from 10 to 20 years. It provides more flexibility for the county. It requires a lower annual repayment. And it's really closer to real-world financing practices. This is a great bill. We'd love for you guys to extend-- advance it to the floor. Senator Storer, I really appreciate the question about should we, you know, extend this to all bonds for counties, because I, I think that's a terrific idea. With that, I'm happy to take any questions you may have.

MOSER: Well, what's the regulation now for county bonding? They can't issue any bonds more than ten years?

JON CANNON: Yeah. Maturity date can't be in excess of ten years, sir.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: No matter what purpose they're used for?

JON CANNON: Yes, sir.

MOSER: OK. I think that's one of the questions we asked earlier. Other questions for Mr. Cannon? Senator Brandt.

BRANDT: Thank you, Chair Moser. Thank you, Mr. Cannon, for appearing today. I, I kind of get the-- I've never heard of this before today. Is this basically for subdivisions of homes located out in the ag areas, now all of a sudden they want to pave all their roads? I mean, is, is-- am I reading-- that's what these rural districts are for?

JON CANNON: Yeah. Primarily, sir. I, I think an example would be the village of Exeter. And Exeter's, you know, essentially kind of becoming almost a bedroom community of York. You know, and, and they, they had some pretty bad dips in their population. They went from a pop-- you know, a tow-- a town of 700 to about 580, I think. And with all the sorts of investment that they're doing, you know, people in town certainly are investing-- are, are, are benefiting from everything that's been going on in Exeter. People outside of town, you know, the-- I mean, there, there are folks that want to live outside of town, out in the country and all that. And, and they don't have the ability to really do those sorts of things that, that the cities are able to do. And so this is a tool that, that helps kind of spur that development in, in rural areas of the county.

BRANDT: In un-- unincorporated areas.

JON CANNON: Yes, sir.

BRANDT: This would not apply to an incorporated area.

JON CANNON: Yes, sir.

BRANDT: I think your point was well made on ag landowners bearing the brunt. We see that every day on every school bond in the state. I think it would be appropriate if you either put in there that ag landowners were excluded or maybe put in there 10%, something of that nature. Because the benefit is occurring to those people with those homes. And the example I would use: in my area, when you see these small subdivisions go into an agriculture area of five, six, or ten homes, quite often you have to drive a half a mile in to get to these areas because they like their isolation. Well, they're gonna want to pave that half mile with a-- ag land on both sides of the road. And

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

that individual's gonna bear the brunt of the cost, as I see it. So do you have an opinion on that?

JON CANNON: I-- it's a, a great point you make, sir. And, and I, I believe an i-- my, my eyeglasses aren't, aren't the best prescription. So I'm trying to read through this and I'm-- it's not gonna work. Yeah. I, I, I should have been with the, the, the headlight lobby earlier today, but. Yeah. My, my understanding is that, that in the bill-- I mean-- or, not in the bill-- in, in the laws that exist already, there's a provision that says if a-- if, if a number of people that represent a, a-- X percentage-- a threshold of the land that's in the geographic area of the road improvement district, if they file letters of object-- objection, then you don't even put it to a vote. So there's, there's already that provision in place.

BRANDT: But my problem's not with the number of people. So if you've got ten homeowners and one ag landowner, he's already lost that fight. It should be the number of dollars represented.

JON CANNON: It's not, not the number of people, sir. It's the number-- the, the geographic area that's represented. So if, if, if a number-- if, if-- landowners--

MOSER: The front footage.

JON CANNON: Pardon me?

MOSER: The front footage abutting the road usually is what-- so if you have a-- well, go ahead. I shouldn't testify.

JON CANNON: Oh. I-- you're doing a better job than I am, sir. I, I welcome it.

MOSER: Well, in, in the city, when you put together a road district, you take the front footage of all the property owners on the road, and they get to vote their front footage proportionately.

BRANDT: Yup. That's a good idea.

MOSER: So if there's one particular farmer that, you know, doesn't benefit and doesn't want to pay, he can vote no. And we had some big fights over it. I-- but I don't know if that's-- can they get an agricultural deferment on county roads as well as city roads? Do you know?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

JON CANNON: So in the statute, Section 14-- and I'm-- I, I hope I'm-- I, I magically flipped to the right one. Section 14-- my-- would, would amend 39-1651, which already provides that a petition to withdraw real property from a district may be filed by persons that own not less than 25% of the territory. So it's, it's a, it's a land component, not a numbers component, not a, not a head count. So I-- and, and that, that appears in, in other places that I-- again, can't get to right away. But I, I think your point is well taken, sir. And, and it is in there. There is a threshold amount. If that threshold amount needs to be reduced so that it's, you know, 10%, 15%, 25%, I mean, that-- that's a policy issue for the Legislature to take up.

BRANDT: All right. Thank you.

JON CANNON: Yes, sir. Thank you.

MOSER: Other questions? Senator Ballard.

BALLARD: Thank you, Chair. Thank you for being here, Mr. Cannon. Can you help me just work through the, the financing and implementation? So the county owns the bond? So-- or is it the spec-- the rural district?

JON CANNON: So--

BALLARD: So I'm just-- mosly-- mostly from a rating perspective. So who is-- so is it the county that's being looked about, about these bonds?

JON CANNON: I, I, I really wish the bond council had been available to testify because that's-- I'd, I'd, I'd expressed to people in the office, I'm like, yeah, bond's really not my, my thing, but they nominated me to come visit with you all anyway. My understanding is that it's the road improvement district that, that will carry the bond. And it's the county that will collect as part of a special assessment on someone's property tax statement. And so the two will be distinct.

BALLARD: So for some reason, default risk, who, who holds that liability? Is it the district?

JON CANNON: I, I don't know the answer to that. I'll-- I will, I will find out the answer and get it to you, sir.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

BALLARD: OK. Thank you. And then just to make sure I understand. So the, the resolution, that's when you get the-- where the parameters are, the-- so that-- that's when everyone can know, they get notified during that resolution process. So I-- is there a way you draw this? Or is that just in the resolution you can-- however you see fit?

JON CANNON: It's part of the resolution, sir. But that's going to be brought-- I mean, that, that will be something that, that the landowners have, have essentially come forward and said, yeah, he-- you know, we're the landowners that own, that own these parcels here, and that will tell you what-- what's going to be in that road improvement district.

BALLARD: OK. Thank you.

JON CANNON: Yes, sir. Thank you.

MOSER: Any other questions? Thank you for your testimony.

JON CANNON: Thank you very much. Appreciate it.

MOSER: Yup. Anybody else to speak in support of LB1107? We had 2 online proponents, 0 opponents, and 0 ADA testimony. Anyone here to speak against LB1107? Anyone here to speak in the neutral on LB1107? Seeing none. Senator Meyer, you're welcome to close.

G. MEYER: Much, much more streamlined than eminent domain the other day, interestingly [INAUDIBLE]. So I really don't have a great deal to add. I think Director Cannon covered the bases fairly well. I, I think this is something that's fairly common sense as we see essentially bedroom communities outside-- our, our more urban areas. People would like to get out of the city, but they'd like good roads too. And I'm sure if there's a, a, a, a problem or a question regarding the levy liability, we can work that out for the benefits so we're not penalizing our, our farmers and our landowners that lay adjacent to that. So with that, I would welcome any other questions. Otherwise, I think we're pretty well done here.

MOSER: OK. Any other questions? Seeing none. Thank you.

G. MEYER: Thank you.

MOSER: Appreciate your bringing this bill today. OK. That brings us up to LB977. Senator Storer. Welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

STORER: Thank you, Chair Moser. And good afternoon. We heard a-- my name is Tanya Storer, T-a-n-y-a S-t-o-r-e-r. And I represent Legislative District 43 in western Nebraska. That includes 11 counties: Dawes, Sheridan, Cherry, Keya Paha, Brown, Boyd, Rock, Blaine, Loup, Garfield, and Custer. I challenge any one of you to say that three times really fast and not get your tongue twisted. I am here today to introduce LB977. This is kind of a unique bill that I guess is unique to those of us that live in cattle country. We heard a similar bill to this last year, but we'll kind of walk through what, what differences this bill may, may provide. This adopts clear safety procedures when a person is leading, herding, or crossing livestock on a highway. So again, you ma-- you remember Senator Murman's bill, LB496, from last year. And after hearing testimony and considering the committee's thoughtful questions, we have put together some improvements to that legislation that I think raised some of those concerns-- or, addressed some of those concern. The core issue remains the same, however. Moving cattle and other livestock on Nebraska's roads is simply part of doing business in rural Nebraska and has been for generations, yet we discovered last year that Nebraska's statute contains no clear protections for those moving livestock or guidance for motorists who encounter them. This gap in our law can create confusion and conflict that could be easily avoided with some clear statutory language. So LB977 makes several key changes based on last year's hearing. First, we've clarified the right-of-way issue. The bill now explicitly requires motorists to yield the right-of-way to livestock being led, herded, herded, or driven on or along the highway. By the way, I don't think you're often gonna see anyone leading their livestock down the highway unless there's a 4-H project. However, we thought it was best to include that. This addresses the concern raised by several committee members last year that the original language seemed to require the livestock handler to signal distress before motorist had to stop. Under LB977, the default becomes clear: livestock have the right-of-way and motorist must yield. Second, we've maintained the distress signal provision, requiring motorist to promptly stop if a handler raises their hand. And if you've ever worked cattle with your father, those hand signals could be, you know, very clear and very distinct. This now functions as an additional safety measure-- not the primary one, however. In practice, most motorists do slow down when they see cattle on the road, and often the handler can safely wave them through. But when the handler needs traffic to stop because the herd is turning, animals are spooked, or for any other safety reason, simply raising a hand provides a clear and unmistakable signal. Third, we've added livestock

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

handlers to the statutory definition of vulnerable road users-- and you may remember that bill from last year. This recognizes that people moving livestock face unique safety risks and deserve the same protections that we extend to bicyclists, motorcyclists, roadworkers, and others who share our highways. Fourth, we've added individuals leading, herding, or driving livestock to the existing prohibition on traveling on roadways where minimum speed limits of 20 miles per hour or more are posted. This keeps livestock movements on appropriate rural roads and prevents unsafe situations in high-speed corridors. Fifth, we've included a narrow exception that allows motorists to move their vehicle if necessary to avoid an accident, ensuring the law does not create unintended safety hazards. So I want to be clear about what the bill does not do. It does not give livestock, livestock drives the right to take priority over emergency vehicles responding to calls or interfere with county roadwork and maintenance. Those critical public safety and infrastructure functions retain their priority on our roadways. If the committee has concerns, I'm happy to work with you on any necessary amendments or language to update or address them if you're-- if, if you don't feel that that's substantial enough. What we have not done is add specific criminal penalties beyond what already exist in our vulnerable road user statute. Violations are treated as traffic infractions, with Class IIIA misdemeanor penalties for second or subsequent offenses within five years. This approach balances enforcement with the reality that most conflicts can and should be resolved without criminal prosecution. This is straightforward, tested legislation modeled after Oregon law and refined by further consideration. It protects ranchers, motorist, and livestock. It clarifies expectations that most rural Nebraskans already understand but that increasingly need to be spelled out as more residents become unfamiliar with agricultural practices. So I'm aware-- some have questioned whether this legislation is necessary and whether we have more pressing priorities, but I'd simply note that Nebraska remains a heavily-- heavily an agricultural state, where livestock operations are part of our economic backbone and daily reality. This bill doesn't require extensive debate or resources. It's straightforward statutory language that provides clarity where none currently exist, preventing conflicts before they escalate and protecting both livestock handlers and motorist. Simple problems deserve simple solutions, and this is one of them. So I also have some written testimony that was provided by the Knox County sheriff-- if you could hand this out-- who was unable to be here today but can also provide some unique insight from his perspective as a sheriff in a rural county. I am happy to answer any questions right now.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: I just had one question about the speed limit on the road that this applies to. If the speed limit is over 20 miles an hour, then you're not supposed to herd animals along that road?

STORER: I-- the provisions in right-of-way-- there's going to be some testimony behind me that may be able to answer that with certainty. But when I come back up here, I will have that answer for you.

MOSER: OK. Other questions? Senator DeBoer.

DeBOER: Thank you. So does this bill address what happens if, like, the cows have gotten out, so there's no person with them, but they're just-- the cows are on the road, there's no person with them, what happens in that situation?

STORER: It is not addressing that situation, no.

DeBOER: So we still don't know who has the right-of-way there?

STORER: Well, if I were the one driving the car, I'd give the cow the right-of-way to the benefit of my own vehicle, but.

DeBOER: Right.

STORER: Right.

DeBOER: But, like-- OK. OK.

STORER: But it is, it is not intended to address that specifically.

DeBOER: It doesn't address the issue of just cows, no people?

STORER: Correct.

DeBOER: OK.

MOSER: OK. Other questions? Seeing none. Thank you. Anyone else here to speak in support of LB977? Welcome.

ROB STAR: Hello. Thanks for having me. Good afternoon, Chairman Moser and members of the Transportation and Telecommun-- Telecommunications Committee. My name is Rob Star, S-t-- or, R-o-b S-t-a-r. I serve as the vice chair of the Nebraska Cattlemen's Brand and Property Rights Committee. In my-- in addition to my leadership role in Nebraska Cattleman, I am also a producer in North Platte. In addition to Nebraska Cattleman, I am here to represent the Nebraska Corn Growers

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

Association, the Farm Bureau-- Nebraska Farm Bureau Assoc-- and Nebraska Sorghum and Nebraska Soybean Association. First, we'd like to thank Senator Storer for introducing LB977. This bill responds to a real and growing safety concerns faced by the cattle producers who move livestock along state roads and highways. In recent years, we have seen an increase in situations where motorists, whether through negligence or intentional action, have driven into and attempted to push through cattle herds being moved along roadways. These incidences endanger producers, livestock, and then-- motorist-- the-- and the motorists themselves. Moving livestock on rural state roads and alongsi-- long-standing Nebraska, Nebraska practice is an essential part of ranching. Yet without clear expectations in statute, producers too often find themselves in dangerous situations with drivers who may not understand livestock behavior. This lack of clarity creates confusion at, at best and life-threatening situations at worst. LB977 provides clarity needed to address these concerns. The bill updates the Nebraska Rules of the Road and recognizes anyone moving livestock or along state roads or highways is a-- as a vulnerable road user, much like we would a pedestrian, road construction workers, or bicyclists. I want to clarify that LB977 does not interfere with the county's abilities to use, to use, operate, or maintain roadway, including emergency services and road services. These practical, commonsense changes strengthens safety for producers, protect valu-- valuable livestock, and give motorists clear expectations when encountering cattle on the road. Nebraska is a proud cattle-producing state. When livestock, livestock or producers are put in harm's way, the consequences ripple far beyond a single incident. Senator Storer has introduced a balanced, thoughtful bill shaped by the lived experiences of Nebraska's cattle producers and supported by lawmakers who understand the realities of rural life. It acknowledges that livestock movement on public roadways must occur and ensures that both motorists and ranchers have clear, consistent rules to keep everyone safe. For these reasons, I respectfully urge that the committee advance LB977. The bill would prevent avoidable harm and give Nebraska's agriculture producers greater peace of mind as they carry out the work that gives us our name, the beef state. Thank you for your time and considerations. I'd be happy to answer any questions.

MOSER: Senator DeBoer.

DeBOER: Thank you. Thank you for being here. So one of the things that-- let's say we make this change in the law, I'm concerned about sort of everybody knowing that. Will the Cattlemen do some kind of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

education program if this-- if we pass this bill to sort of tell everyone, hey, this is the law now?

ROB STAR: I guess as means-- and I, I could see us surely telling everybody that now it's in, in, in fact a law. But as a producer, I mean, a lot of times we, we try to work and help people through the cows and stuff. But the, the great amount-- the most amount of people don't have any consideration for you when you're trying to achieve this.

DeBOER: Absolutely. I just-- I would suggest to you all that it would be really great if you--

ROB STAR: I think we'd be-- we are really open to doing that and I'm sure [INAUDIBLE]. Yeah. Yeah. Don't see any, any reason not to, so.

DeBOER: Thank you very much.

ROB STAR: Yeah.

MOSER: Other questions from committee members? Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you for your testimony today. And I don't know if you can answer this question or not. Quite often, you do see occasionally cattle getting herded in my area, my rural area of, of southeast Nebraska, but what I see most are people on horseback, a single rider or two riders going down a gravel road. Does this rule apply to a single horseback rider?

ROB STAR: I guess if they're moving cattle with only one horse.

BRANDT: No. If it's just them on a horse. No cattle.

ROB STAR: I don't see-- I, I don't know enough about it. I don't think it would pertain if he's--

BRANDT: And, and the reason I ask is it says specifically in here that they can signal that car to stop--

ROB STAR: OK.

BRANDT: --and, and do some other things. And I guess I'm just trying to get clarification if they're in violation of the movement with the-- because we have written this that horses or a horse or a mule

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

or, or such is also involved in this legislation. And, and I just want to make sure we don't have a bill that's written too broadly.

ROB STAR: I would agree with you. I think you bring up a valid point. I certainly am not familiar enough with that to give you a direct answer.

BRANDT: No, that's fine. Maybe somebody else can.

ROB STAR: I do understand where you're coming from, and that's-- that is a valid point.

BRANDT: You bet. Thank you.

MOSER: Other questions? Seeing none. Thank you for your testimony.

ROB STAR: Thank you for your time.

MOSER: Anybody else to speak in support of LB977? Welcome.

CRAIG MILES: Thank you, sir. Senator Moser, thank you for hearing us today, and the other senators sitting on this committee. I appreciate your time and interest in hearing this. I went off and forgot my, forgot my glasses in the car six-- or, six blocks away, so I'll do the best to try to read this. But anyway, my, my name is Craig Miles, C-r-a-i-g M-i-l-e-s. I'm a rancher from north of Thedford, Nebraska, fourth-generation cattle rancher that owns pasture on both sides of U.S. Highway 83, which, according to the Nebraska Department of Transportation, has an average of almost 1,100 vehicles per day, including 225 semitrucks that travel-- oh, thank you kindly. Perfect. Thank you.

BOSN: Tom Brandt to the rescue.

CRAIG MILES: Amen. Therefore, crossing cattle or driving them down the highway any time of the day can be very hazardous. We do not oppose the open range laws that Nebraska has for our state, of which they do have open range laws. But I am here to ask for myself, as well as other livestock producers, to have the authority to control traffic for the safety and protection of motorists, protection of ourselves, and protection of our coworkers and our livestock. Until several years ago, we thought we were allowed to stop traffic from both directions in order to protect the traveler, our cattle, cowboys, horses, and working dogs while crossing cattle or moving them up or down the highway. Our resource management requires our crossing or moving

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

cattle along the highway probably at least 14 times a year. The same can be said for many other ranches that are bisected by highways and heavily traveled roads. In previous years, we have had frequent difficulty stopping traffic, trying to get motorists' attention to stop, even when we've used obvious orange hazard flags and warning signs on the shoulder of the highway. My wife was almost struck when she was flagging traffic to stop. Very close call. Our ranch is 45 miles south of Valentine, 20 miles north of Thedford. When people have traveled that far from a town with-- without any distractions, they often seem to encounter selective attention, peripheral vision loss, and cell phone distractions. Some drivers get quite very annoyed when their trip is interrupted, which can lead to unhealthy confrontations. After contacting our county sheriff, we were told that because of the open range state policy, we have-- ourselves have no authority to control traffic when moving cattle across or along the highway. And that does include also the North Loup River Bridge which we have to use in the wintertime because the North Loup River ha-- i-- gets quicky. And when we got to move cattle over to the other side of the river, we have get out on U.S. Highway 83 where the North Loup River bisects us. But anyway, the-- we are required to call the county sheriff or the State Patrol anytime we are in need of-- to control traffic for moving our cattle. These entities have tried hard to be available, but at times-- but at times, there-- have bigger priorities, and so-- occasionally we have to change our plans. We don't always know exactly 48 hours ahead of time, which-- that's what the State Patrol does require, 48-hour notice-- that we ne-- that we need to move cattle because of our environmental or management circumstances. Also, we have not been able to get help when we need because there are only a few State Patrol officers and sheriffs in our region. We have had the patrol from-- come from as pa-- as far away as McCook and O'Neill, which are both probably a minimum of 155 miles away. We're grateful for their service they're willing to provide to us, but we also understand there are probably a lot of times much bigger and more important jobs that they should and could be doing. Therefore, we are recor-- requesting the right to control traffic to move our cattle across, along, on our state highway. I'd also like to do a special shout-out to the Nebraska State Troopers that have come to help us move cattle and stop traffic for us. Trooper Elliott and Trooper Nellit-- Nelson, and then also our county sheriff officers, Osborn and Wickman. But a special thank-you to Senator Storer, Strommen and DeKay, for bringing this bill forward today.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: All right. Do we have questions for the testifier? Senator Guereca.

GUERECA: Thank you, Mr. Chairman. And thank you, Mr. Miles. Just want to say thank you for coming all the way from, from your-- that's, that's a long drive, and we appreciate you coming down to having your voice heard.

CRAIG MILES: Well, my pleasure.

GUERECA: Thanks.

MOSER: Other comments? Senator Brandt.

BRANDT: Thank you, Chairman Moser. Is it your understanding in the bill that-- let's say you have an incident with a driver, that you would get their license plate and turn them into the sheriff? Is that how this enforcement would work on this?

CRAIG MILES: I'm, I'm not necessarily familiar with turning anybody into law enforcement for not stopping. We've, we've had just unbelievably so many close calls crossing cattle-- it, it just makes your head spin-- over the years. You know, my dad is gonna be 95 years old, and-- anyhow. The-- we can't help where our ranch is located. When, when my grandfather bought the ranch in 1938 that we currently live and operate on, we had-- there wasn't even a highway out-- between Thedford and Valentine. There was just a dirt road. And so we can't help that a state highway went in where our-- that bisects our property. And so-- anyhow, the-- that highway actually went in in 1947. And so we deal with-- like I said, in the wintertime, we have to get on the other side of the river. And in order to do that, we have to get out onto the state highway to get our cattle across the river, because we can't cross in the wintertime. The North Loup River, it's either iced over or, if it's not iced over, it's quicky. A lot of people don't understand dealing with that river. And then, of course, the highway itself and the traffic itself. And so it-- it's just-- it's been an issue for a long time.

BRANDT: OK. Thank you.

CRAIG MILES: Thank you, sir.

MOSER: All right. Anybody else to speak in support of LB977? Anyone here to speak in opposition to LB977? Anyone here to speak in the neutral on LB977? Seeing none. Senator Storer.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

STORER: Thank you again. And I appreciate the acknowledgement of the drive my, my friend, Mr. Miles, has made from Valentine to, to share his experience with you. And that-- you know, that's-- it's always good for us. I think we always-- we're used to hearing the perspective of lobbyists, but to get a real-world perspective of how these proposed bills affect people is important. And, you know, to sum up all of that, this, again, just puts in statute the obligation of motorist to yield the right-of-way. And to answer your question, Senator Brandt-- or, your concern about people riding horses, I, I believe the fact that it lists herding-- leading, herding, or driving, it would eliminate that concern because they'd be riding, not leading, herding, or driving. So that, that I think would satisfy the concern of horseback riders having the ability to control traffic. And in, in response to the question about the minimum po-- minimum speed limits, as I read it, it-- it's just adding the provision of livestock that you, that you cannot drive them-- that these would not apply-- you, you cannot drive them on a highway system that would post a minimum speed limit. So in other words, a freeway or an interstate. So. And that makes sense.

MOSER: But in excess of 20 miles an hour?

STORER: Anything that's posted 20 miles or higher for a minimum speed limit. So on the interstate--

MOSER: What road would that be?

STORER: Wha-- interstates or freeways.

MOSER: Yeah, but 20. Interstate minimums are 40.

STORER: Right. The way it's worded is a minimum of 20 or higher. I don't know of any place that has a minimum of 20 either, but it-- it's any, any road that would post a minimum speed limit of 20 miles per hour or higher, so.

MOSER: OK. I'm sorry. You--

STORER: Yeah. I think I just wanted to address some of those questions that, that everybody had earlier.

MOSER: Do we have one-- more questions for Senator Storer? OK. Well, the-- the con-- one of the concerns I would have with this bill-- we heard this bill last year too. And the problem would be is getting people's attention. You know, people on ATVs chasing cows, horses,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

pickups. They're not going to get people's attention when they're driving down the road. When we would move across, we had to cross Highway 30 you get down to the river. And so we'd have-- we're no great-- we're no big cattle ranchers, but we had probably 50 head of cattle. Sometimes they get a mind of their own and, and-- so we always called the sheriff. And he'd come out and block the highway and the flashing lights would give us some attention.

STORER: Yeah. If I could-- if I could help explain that concern. So as Mr. Miles said, they attempt to call those state patrolmen or the county sheriff. And that is certainly most cattlemen's preference, is to have that sort of traffic control. That's not always an option. And so what-- it is not uncommon in my part of the-- part of the state to have somebody on the front as you're driving along. They usually put somebody on the backside of the cattle if you're driving up behind the herd, that they'll have a red flag or flashing lights on. And somebody's standing there to warn people to slow down. And they typically have the same individual on the other side for peo-- traffic coming from the other way. And so these-- there are, there are valid attempts made by cattlemen-- it's certainly in their best interest that their livestock not be hit as much as it is a desire to make sure no one is hurt.

MOSER: Yeah. \$3,000 a head.

STORER: This statute is cert-- is just putting in-- we've made these provisions, Senator Moser, for bicyclist. So I don't think it's unreasonable that we make the same provision for livestock. So that-- that's part of what we did last year with the vulnerable road users, was making the provisions for the right-of-way and to slow down for people on bicycles. So this would be, be the same concept but making that same provision for livestock and people signaling for, for motorists to slow down and give them fair warning of what's ahead.

MOSER: All right. Any other questions? Thank you. Appreciate it. That'll close our hearing on LB977. We had 1 proponent, 1 opponent, and 0 ADA testimony. That'll take us up to LB991. Senator Dover.

DOVER: Thank you, Chairman Moser. And good afternoon, committee members.

MOSER: Welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

DOVER: My name i-- for the record is Robert Dover, R-o-b-e-r-t D-o-v-e-r. I represent District 19, which consists of Madison County and the southern half of Pierce County. LB991 is being introduced after I became aware of a Norfolk Daily News article describing a citizen's concern that a child could be seriously injured by motorist who fail to stop for a school bus stop arm. Following that article, my legislative staff began looking into the current use of stop arm cameras in Nebraska. Currently, there is not a definitive list of school districts using stop arm cameras in our state. But after working with the Legislative Re-- Research Office, we learned that both Bellevue and Norris Public Schools currently utilize this technology. My office has been communication with-- has been in communication with both districts to gain insight into their procedures. Additionally, my legislative aide observed a demonstration of how the stop arm signal camera system operates in Norris School District and heard directly from school officials about their experiences and concerns. Through this process, we found that Nebraska statute does not clearly state that law enforcement officials may rely on stop arm camera footage to enforce existing school bus stop laws. The intent of this legislation is to address that gap in statute. LB991 seeks to ensure that children are able to safely board and exit school busses by authorizing the use of sto-- of stop signal arm camera systems as a tool to support enforcement of existing law. Under current Nebraska law, drivers are required to stop when a school bus is stopped with its stop signal arm extended and red warning lights activated. Despite this requirement, illegal passing of stopped school busses continues to occur. It is our hope that this bill will encourage school districts to place cameras on the exterior of their busses by clarifying that the footage collected may be used to identify violations to support enforcement efforts. The bill also includes safeguards to protect due process. Any bus equipped with a camera system must display a clear warning to motorists. All recorded data must include time and location information. Motorists retain the abil-- motorists retain the ability to contest citations and present evidence that they were not the driver at the time of the alleged violation. As originally introduced, the bill included language prescribing law enforcement could stop-- excuse me-- stop-- could, could use stop arm camera data when issuing citations. After receiving feedback that this approach could in-- unintentionally limit law enforcement discretion, we drafted an amendment to remove that prescriptive language. You will find a white copy of this amendment in my handouts. I believe this amendment better preserves, better preserves officer discretion and also addresses concerns raised in the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

fiscal note. Overall, LB991 is intended to improve student safety, reinforce compliance with existing traffic laws, and provide a measured, transparent, and accountable enforcement tool that respects due process while prioritizing the safety of children. Finally, please take note of the online support submitted by the Stands For Schools, the Nebraska Association of School Boards, and the National Transportation Safety Board.

MOSER: All right. Questions for Senator Dover? Let's start with Senator Storer.

STORER: Thank you, thank you, Chairman. In essence, would it be fair to say this is the equivalent of, like, a body cam except it's a school bus cam? I mean, it's the same--

DOVER: Correct.

STORER: --concept, to make sure there's recordable information available, data-- video data available if there's been a violation?

DOVER: Correct.

STORER: OK. Thank you.

DOVER: Thank you.

MOSER: Did whoever loaned that guy their glasses get their glasses back?

DeBOER: Yes.

MOSER: Good job. Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you, Senator Dover, for bringing this bill. So I did-- I'm just kind of reading over this really quick. I want to make sure I'm understanding this correctly. So this is permissive, right? So this says a school district may. It doesn't say they shall.

DOVER: Correct.

FREDRICKSON: So, so this is optional. Are-- is this something that-- are, are school districts currently able to do this if they want to or this is something that they're prohibited from doing currently?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

DOVER: There, there isn't clarity as-- there isn't clarity in statute that this-- the video may be used by law enforcement. So this simply states out in statute that, yes, this, this can be used. And so if the school district chooses to install cameras on their camera bus-- on their-- excuse me-- on their stop arm or whatever that activates it, they can use that video information should someone violate and, you know, drive around. We-- I've actually seen video where someone was almost tagged by a car that fu-- that refused to stop. And the one thing we wanted to make sure we did also-- so we, we adjusted here as far as in the-- on page 2 on the very top it says, one of such-- one of such warnings shall clearly-- shall be clearly readable at a location that is 100 feet directly in front of school bus and one [INAUDIBLE] at the location that is 100 feet directly behind the school-- so, so basically, it'll be long-- large signs that-- 100 feet away you can see co-- approaching either side, hey, we have cameras on the bus, please slow down. So there'll be an advanced warning that there is a camera in place.

FREDRICKSON: OK. So, so currently, schools-- they're allowed to do this, but you're-- the statute that you're-- or, the bill you're proposing explicitly says that they can also share this with, with law enforcement?

DOVER: Correct.

FREDRICKSON: So currently, are they unable to share it with law enforcement if they have--

DOVER: There's a question whether it's allowable or not.

FREDRICKSON: OK.

DOVER: And so I'm just-- I'm trying to clear it up that they can use that, that info-- the, the videos for law enforcement.

FREDRICKSON: OK. That's all. Thank you.

DOVER: Yeah. Thank you.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you for bringing this bill. The question I've got is, when the car passes that school bus with the stop sign out and-- I, I wasn't driving the car. So is it incumbent on that driver to say he was driving the car or-- you know, somebody was

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

driving that car that went around that school bus. What's the legal ramification of that? I guess, is the bill neutered? Because all of a sudden, I wasn't driving the car, therefore the car gets a free pass?

DOVER: My bill doesn't address that. I, I would think that that probably would happen in-- not very often. And people little-- will probably lie to law enforcement all the time. Hopefully that video's clear enough to see a face or whatever.

BRANDT: OK. I would offer this scenario.

DOVER: Yes.

BRANDT: A high percentage of the people in my neighborhood that drive around school busses are going to school driving their parents' car.

DOVER: OK.

BRANDT: This is in rural Nebraska-- is, is where I'm from. And call it driver experience or they just really got to get to school fast-- I'm not sure what the, what the issue is. But, you know, those are precisely the kinds of situations I think your bill wants to stop, is it not?

DOVER: Yes. I would think that when the parents get a phone call that someone went around a school bus and their children was driving, I think that might help.

BRANDT: Sure. All right. Thank you.

DOVER: Thank you.

MOSER: Any other questions? Seeing none. Thank you, Senator. Anyone here to speak in support of LB991? Welcome.

JULIE HARRIS: Thank you. Good afternoon. I'm Julie Harris, J-u-l-i-e H-a-r-r-i-s. I am the executive director of Bike Walk Nebraska. We advocate for safe and accessible biking and walking across our state. I want to thank Senator Dover for bringing this bill. There are several different bills this session and certainly in previous sessions where I've sat in this chair and-- to be a proponent, and our, our testimony would likely be kind of a cut-and-paste in a lot of these cases, whereas this is about the safety of vulnerable road users on our streets, about folks that need to be getting around their communities in ways other than in a car. And certainly they are no

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

more vulnerable than children who are trying to get to and from school on and off the school bus. The bottom line here-- here's the problem: driver behavior is getting worse. It's bad and getting worse. And in Nebraska last year, the, the average number of pedestrian deaths from 2020 to 2024 was 17. And last year, the number was 32. Data from 2024 shows that there were 6-- there were 624 crashes involving vulnerable road users. Certainly, the Ne-- we've quoted this many times before: the number of tickets that the State Patrol is writing for people that are going 100 miles an hour over on the roads is astronomical. And while people are probably not going 100 miles an hour on the street, you have to believe that somebody who's willing to disregard the speed limit to that extent on the interstate, they're probably not going to also slow down for the school zone or pe-- perhaps stop for the stop bar and for the school bus. We recognize the statutory complexities that automated enforcement brings. We appreciate the time and effort that Senator DeBoer and our friend, Spike, have given to us to help us understand the issue and the, the issue on the legal side, and so we know that there will be thoughtful questions and considerations in that regard. Studies do show, however, that automated enforcement is very effective in terms of driver behavior change. And so for that reason, we ask you to thoughtfully consider all of that feedback that you'll be hearing. The bottom line is enforcement is not the single tool that will solve the problem of poor driving and is certainly one that we share a lot of concerns about, but driver behavior is getting more dangerous and we need to do everything we can to improve safety for those most vulnerable on the roads.

MOSER: All right. Questions for the testifier? Seeing none. Thank you very much. Anybody else to speak in support of LB991? Seeing no further supporters. Anyone here to speak against LB991? Welcome again.

SPIKE EICKHOLT: Thank you. Good afternoon, Chair Moser and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska and the Nebraska Criminal Defense Attorneys Association. ACLU of Nebraska has concerns about the bill. And I'm going to speak to the original bill and the amendment. I think that Senator Dover was responsive to some of the concerns I mentioned to him last week or the week before regarding this bill, and I think the amendment does address most of those. The ACLU has concerns about this approach. And I'll talk more about it tomorrow when Senator DeBoer's bill regarding license plate reader cameras is heard, but we are concerned about the bill and the amendment's provision to allow law enforce-- or, to allow a school district to enter into a contract with a vendor to provide this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

service. When you talk about license plate readers, those camera systems, those vendors, in our opinion-- and I-- I've got an example of a contract I can show you tomorrow-- essentially harvest and collect this data for the company's own good. They do provide it to the company that they are contracted with to use for whatever purpose they have. But we are concerned with the state passing laws that sort of facilitate the private companies to collect data on its people. Even if it's for benevolent, meritorious purpose as this bill does, what we happen to see-- and we saw in the license plate reader system-- is just a collection of this data and use by the private company. That's the ACLU's primary concern with this. The, the Criminal Defense Attorneys, we were probably most opp-- opposed to the original bill because, as I mentioned before on an earlier bill-- or maybe you've heard before, I guess-- traffic infractions are criminal in nature. And what that means is that even though the penalty might be minor-- it might just be a fine and a couple points on your license-- the person who is charged with a traffic infraction is entitled to the process of a criminal case. That includes the presumption of innocence. That includes your right to have a trial. That includes confronting witnesses against you and requiring the state to prove beyond a reasonable doubt. It also provides that you cannot be made to give a statement against yourself or others. And so other states have these, like, camera enforceable traffic infractions because those other states, their traffic infractions aren't solely criminal. So you can presume that a person who has a vehicle registered them, committed a law violation, send them a citation-- it's only a civil fine like an overdue library book is or a parking ticket is. But in Nebraska, it's a criminal thing. And the bill originally-- that subsection 9 didn't recognize that reality. The bill as amended-- the amendment does sort of provide that a violation of this section, which is basically failing to stop at-- around a school bus, may be enforced if the officer reviews the data. And I think that's probably OK because I think right now a law enforcement officer could just cite somebody based on what somebody told them. I still think that a person would still be presumed innocent, could still argue they weren't the person driving, and it'd still require the state to prove that. But to answer someone's question whether a school district can do it now, I think they can. I think what the bill does maybe-- and I don't represent school districts-- it might impose some sort of duty on the school districts to keep this data for law enforcement purposes, and that might cost you something with a contract with a private vendor. I see my time is up. I'll answer any questions if you have any.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: OK. Questions for Mr. Eickholt? Senator Storer.

STORER: Thank you, Chair Moser. I guess my only question is in relationship to your concern about a private company having data that they would share. How would-- what-- how would that be any different than-- I mean, people have Ring cameras or-- you know, on their homes or their businesses, and that information is often shared with law enforcement for investigative purposes, as I understand. So how would this be different?

SPIKE EICKHOLT: If you have it in statute, then I think the school district just hands it over without a subpoena, without a formal request. And I think you can get Ring information data pursuant to a subpoena or a court order. So that's one difference. This will put it in the statute where they hand it over automatically.

STORER: But I could voluntarily-- I mean, if I knew there had been some crime, I could call the police and say I have some recording on my Ring camera without a subpoena. I can voluntarily do that, right?

SPIKE EICKHOLT: That's right. That's right. Because you are the person recording it. You are the entity. And I suppose they would still have that now to have that. I don't think you could probably successfully argue that that evidence shouldn't be used, because the person charged doesn't have any kind of privacy interest in it, I don't think. So I think that, that could probably happen now.

STORER: OK. Thank you.

SPIKE EICKHOLT: The-- if I could just supplement-- the concern that we have about the-- on the license plate reader information-- well, I'll talk about it more tomorrow. Never mind.

MOSER: Is one distinction that Ring cameras and security cameras are generally set up on property owned by the person who owns the security equipment and so they have a right to use that in a public space for whatever purpose? But on school busses, they move, and people are moving. And it's on public property. Is that a concern?

SPIKE EICKHOLT: That is a concern. I mean, maybe it's just a matter of degree, but you're right. I mean, the-- you have a right to move about society on public roadways, arguably, and not be sort of constantly tracked. You don't have a right to do that by trespassing in someone's yard or going up to their door, right? You've got a little less of a right to sort of move freely without being tracked.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

MOSER: Unless you're selling Girl Scout cookies or--

SPIKE EICKHOLT: Unless you're selling Girl Scout cookies. Or canvassing.

MOSER: Yeah. Oh, OK. Touche.

SPIKE EICKHOLT: So something like that. You know-- and I'll talk more about it tomorrow, but what you see with the license plate readers particularly, they're mounted along the interstate, and they collect all of our data all the time.

MOSER: Other questions for the testifier? Senator Bosn.

BOSN: I am not seeing, but can you tell me where-- if, if it's in this section? It talks about what prompts someone to put-- a bus driver to put the stop arm out. Is it the child is approaching? Is there a number of feet? I don't see it. And I-- maybe you don't know. Here's my example. I live outside the city limits and, and the school district that I live in picks kids up by bus.

SPIKE EICKHOLT: Mm-hmm.

BOSN: And I will routinely be driving down the road, and the bus will be stopped with their stop arm out. And it's a long, hot minute before the kid even exits the house, much less walks their hundred-yard driveway, much less is in a-- any position to be hit by a car and is getting onto the bus. Arguably, that stop arm didn't need to come out until the kid is within 20 yards or something else. Is there something that says what prompts the stop arm and when the stop arm should come out and when the stop arm is not necessary? I don't see it in here, but I, I may not know. And maybe you don't know either, which is fair.

SPIKE EICKHOLT: I don't know. The way I read it is just that stop signal arm-- the stop signal activates the camera. That's what I assumed. But you're right, it's not--

BOSN: Right. And so is there no threshold of the kid has to be even exiting the bus, entering the bus?

SPIKE EICKHOLT: I suppose if a bus driver just wanted to record something, they could just activate the thing on their whole route.

BOSN: OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

SPIKE EICKHOLT: That's the way I read it.

BOSN: Just drive down the road with the stop arm--

SPIKE EICKHOLT: Well, I don't know [INAUDIBLE] do that. Well, I don't know the technology, admittedly, and I don't think the, the bill captures it, but I don't think-- we need to have that specified, but maybe we shouldn't assume that, I guess. That's a good question. I think maybe you're getting an answer right now.

MOSER: Other questions? You're going to read your note to everybody if you're passing notes?

BOSN: Senator DeBoer would like everyone to know that the stop arm is tied to the bus door. The stop arm opens when the bus door is open for someone to get on or off. But that doesn't address whether there's actually a rider exiting or entering their front door.

MOSER: Maybe you don't need to open the door yet if they're not there yet.

BOSN: Arguably, that would be a great solution, but I, I just didn't know if it was in statute and I didn't know it.

MOSER: That's interesting data. Thank you. Other questions? Thank you for appearing and testifying. Anybody else to speak in opposition to LB991? Anybody to speak in the neutral? Seeing none. Senator Do-- Dover, come on up. We received 3 proponent letters, 1 opponent letter, and 0 ADA testimony on LB991.

DOVER: In closing--

MOSER: Welcome back.

DOVER: Thank you. In closing, LB991 strikes a careful balance. It strengthens enforcement of current law while preserving due process protections, respecting privacy, and maintaining local control. The intent is deterrence and compliance, not punishment or revenue generation. By addressing a gap in statute and providing a clear, accountable enforcement tool, this bill helps ensure that the rules already on the books are taken seriously and that children can travel to and from school more safely. For these reasons, I respectfully ask the committee to advance LB991.

MOSER: OK. Questions for Senator Dover? Senator Brandt.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

BRANDT: Thank you, Chair Moser. Real quick, I think in reference to Senator Bosn's question, when a, when a bus stops with its lights on and that bus is half, three-quarter, or full of children, they are a sitting duck. And I, I, I, I think-- and I guess this is my question-- that is why they put that stop arm out, otherwise drivers would be going around it. Do you have any information on that?

DOVER: There's, there's actually schools that have videos of, of cars going around with the arm extended.

BRANDT: Yeah.

DOVER: Is that your question? Yes.

BRANDT: Yeah. All right.

DOVER: There's actually one where the, the, the student's almost clipped. I mean, it's-- if-- a little bit more over, would have just been ran over. And in fact, the article in the Norfolk Daily News was a story about a, a mother who takes her child to the school bus in a wheelchair. And, and she's almost been hit before too. So it's just a-- it's just a situation, I think, to be-- we-- I think it needs-- we need to do what we can do to help make it a little safer for the kids.

BRANDT: All right. Thank you.

DOVER: Thank you.

MOSER: So if they can already do it and they can already share it with law enforcement if they want to, it's their property, the school's property, was recorded on public streets, what do we need this bill for?

DOVER: It's my understanding that it isn't clear in statute that it can be shared. And law enforcement did come to us and say, thank you for clarifying this so we can use the footage.

MOSER: I don't know. I hesitate making something else illegal. Pretty soon you're not gonna be able to do anything without being filmed or--

DOVER: I think zipping around a, a stop arm is probably a good thing to make, you know, clearly le-- illegal, but.

MOSER: OK. Any other questions for Senator Dover? Thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

DOVER: Thank you, Chairman Moser and committee members.

MOSER: That'll close our hearing on LB991. Now we have LB1098. Senator Juarez. Welcome.

JUAREZ: Thank you.

MOSER: Do you have a lot of testifiers, Senator?

JUAREZ: I don't--

MOSER: How many people plan to testify? OK. That's fine. We'll gut it out. If we take a break--

JUAREZ: Of course you will.

MOSER: --it'll just make it longer. Welcome.

JUAREZ: Thank you. Good afternoon, Chairman Moser and members of the Transportation and Telecommunications Committee. My name is Senator Margo Juarez, M-a-r-g-o J-u-a-r-e-z. I wanted to open by sharing how I got interested in expanding rail transportation. I am a Nebraska native who grew up in south Omaha. In my past married life, I relo--relocated for workplaces. One city I dearly loved was Salt Lake City, Utah. While working there, I was fortunate enough to be able to ride their light rail system for my daily commute. This truly was my first experience integrating some form of train travel into my life. After I returned to Nebraska upon retirement, I realized how car-centered our state really is. I have noticed in our current economic climate the rising costs of owning and maintaining a car, and this is a challenge for people on fixed incomes. I have a mission to refocus our state and move towards other transportation options. I envision our state developing and investing in the needs of the community. There are many reasons for providing an opportunity for the entire state, for all people to have access to our capital, neighboring towns, their-- and their jobs through train travel. My interim study, LR2-- LR203, provided a project this fall for me to dig into our state's transportation systems specific to passenger rail. For a starting point, I looked at the 2003 Nebraska Transit Corridors Study. This study estimated a commuter rail would see between 129,000 to 185,000 passengers annually. The study also made a case for new corridors for public transit, including Omaha-Lincoln, Fremont-Omaha, and Blair-Omaha routes. It concluded the most feasible with the most ridership would be from Omaha to Lincoln. However, as time went by, almost no efforts were made to actually establish the commuter train.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

The next report was the 2013 State Highway Needs Assessment to gain a better picture of what was happening in the state with regards to roads and highways. This was to help us better understand what certain feasibility assessments look like and what conclusions they found. This office realizes that Nebraska is a heavy car-centric place with much investment in roads and highways over other forms of transportation. It wasn't until recently that we received access from NDOT to a 2003 rail plan report. I highlight this all to explain the work that has not been done in years. The interim study allowed me to engage with Nebraskans across the state through meetings, stakeholder discussions, and public-- public forums focused on rail and public transportation. I worked with ProRail Nebraska to set up five town halls across the state, and I worked with Heather Nelson from Poll the Vote to craft and disseminate a survey for the public to take. The full report was submitted to the committee this winter. The report gives detail to the town hall meetings, goes over the presentations I hosted, and analyzes the survey and shares the results. There were a total of 413 participants, and the major finding was that Nebraskans are not satisfied with the present passenger rail system. They mentioned the train schedule does not meet their needs. Many brought up issues with the stops the trains traveled compared to where they used to go and expanding rail rou-- routes just not east and west but ideas on connecting cities around the state through north and south corridors. Please review the study for a more detailed look at the survey results. What we heard consistently was not a demand for a single solution but a desire for the state to start planning seriously and enhance our transportation options in this state. LB1098 responds directly to that call. To get our rail lines and passenger rail lines updated and advanced is a priority for the next generation. The town halls were a huge success and convi-- connected me with the Nebraskans who see a need for updated and expanded rail options. This study led to this legislation we are discussing today. After the town halls and then through the interim, I continued to meet with groups that relate to rail services or infrastructure. I learned a lot about the rail system in the state, and I can say I am no expert, but I have a vision for this state and what we could be and provide for our citizens. The intent is to create a state with efficient, quality, service-centered rail transportation for the public to use while understanding the industry needs that are there. Our state pours so much into roads. I'm just seeking an alternative mode of transportation to be given the same weight. I want to take the time to let you know that I understand the position that the Nebraska Department of Transportation has taken when it comes to rail. They let me know directly that they will

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

continue to focus on roads and highways when I met over the interim. I also understand the role that the Public Service Commission has over rail safety. This bill was crafted with all that in mind. LB1098 adopts the State Rail Plan Act and establishes a clear, consistent framework for how Nebraska plans for rail transportation with passenger and freight and now into the future. This bill is about planning, coordination, and accountability. It does not mandate a specific rail project, nor does it commit the state to construction or expenditures. Instead, it ensures Nebraska has the foundational planning document required to responsibly evaluate rail opportunities and compete for federal-- federal funding. In other words, without this bill, Nebraska is leaving federal dollars on the table, dollars that neighboring states are already leveraging to improve connectivity and economic development. At its core, LB1098 designates the Nebraska Department of Transportation as the state's rail transportation authority and direct-- directs the department to pre-- prepare, maintain, and regularly update a state rail plan consistent with federal law under 49 USC Section 22702. The bill also establishes a clear approval process with the Governor serving as the plan's approval authority and requires transparency by submitting the plan to both the Legislature and the U.S. Department of Transportation. One of the most important components of LB1098 is the requirement that NDOT maintain the state rail "pline" and revise as necessary. The intent is not to create a costly consultant burne-- burden but allow the department flexibility as needs change over the years. Thinking this could be reviewed by staff or interns. This ensures that lawmakers are not reliant on outdated data or one-time studies but has current information about existing service, unmet needs, and future opportunities. Transportation planning should be dynamic, and this bill ensures that rail planning involves alongside our state. The bill outlines what the state rail plan must include: an inventory of passenger rail service in Nebraska, identification of rail lines that need upgrades, coordination with other transportation infrastructure, proposals to increase freight and passenger capacity, and strategies for pursuing federal grants. Importantly, it also requires NDOT to consider public feedback, advocacy groups, and economic development opportunities in both int-- intrastate and interstate transportation needs when preparing or revising the plan. Nebraska has not updated its rail planning in a comprehensive way since 2003. In the meantime, other Midwest states have been-- updated sta-- state rail plans to secure federal funding, improve freight efficiency, expand passenger service, and strengthen regional connection. This bill ensures Nebraska is positioned to do the same and gives the Legislature

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

flexibility it needs to move forward with specific projects. Finally, I want to emphasize that this bill respects legislative oversight. NDOT must submit its plan to the Governor to notify the Legislature of approval or denial and deliver annual reports to the Clerk of the Legislature. This keeps policymakers informed and engaged in decisions that affect long-term transportation strategy. It helps Nebraska to move forward. LB1098 is a planning bill, but planning matters. Without it, Nebraska cannot responsibly evaluate passenger rail, improve freight movement, or compete for federal investment. With it, we give ourselves the tools to make informed, data-driven decisions about rail transportation that support economic development, mobility, and connectivity across our state. I respectfully ask for the committee's consideration in support of LB1098. And I'm happy to answer any questions.

BALLARD: Thank you, Senator Juarez. Are there any questions? Seeing none. See you at your close.

JUAREZ: Closing will be shorter, I promise.

BALLARD: OK. First proponent for LB1098. Good afternoon.

MATTHEW ROQUE: Good afternoon. First off, you'll have to excuse me. I walked out the house this morning without my coat, so. To begin, I want to thank Senator Juarez for introducing-- oh, sorry. My name is Matthew Roque, M-a-t-t h-e-w R-o-q-u-e. I want to thank Senator Juarez for introducing LB1098. My appreciation is also extended to Senator Moser and the rest of this committee for their work on behalf of the citizens of Nebraska. I am here representing ProRail Nebraska, a nonprofit advocacy group focused on increased passenger rail service as well as other public transportation needs within the state. I'd like to first talk about what a state rail plan is, followed by what it is not, and finish with why it is important. A state rail plan is a vital document necessary for the improvement of the state's rail network. Guidance from the Federal Railroad Administration identifies four things a state rail plan accomplishes: setting forth state policy involving freight and passenger rail transportation, establishing the period covered by the state rail plan, presenting priorities and strategies to enhance rail service in the state that benefits the public, and serving as the basis for federal and state rail investments within the state. While there is no federal statutory requirement that each state prepare a state rail plan, U.S. Code encourages each state to develop an FRA-accepted state rail plan to support the state's involvement in rail policy, planning, and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

development. This can be a standalone document or an element of a state's long-range transportation plan. Nebraska currently updates their LRTP every five to seven years. Without this document, Nebraska will continue to be left out of all rail-related planning and investment. A state rail plan does not by itself create new rail service. It does not mandate commuter service between Lincoln and Omaha. It does not impose high-speed rail. It is not a boogeyman in the corner stealing money away from roads and bridges. Ultimately, a state rail is an opportunity for political leaders, transportation experts, and members of the public to come together and plan for the future of rail in Nebraska. These discussions will cover both existing and future freight and passenger services. This process will create a vision and goals for the state and will allow Nebraska to move out of the dark ages when it comes to rail planning. In a meeting between members of our organization and NDOT, we were told specifically that NDOT will not update the state rail plan until directed to do by-- excuse me-- until directed to by the Governor's Office or by the Legislature. With our current state rail plan being 23 years old, now is your chance to do just that. With their submitted testimony today, NDOT claims to have no authority over rail tracks or operations, a claim that I find com-- comical and without merit. Please vote to advance LB1098 from your committee. Thank you.

BALLARD: Thank you. Are there any questions? I do have one. So, so it's-- are-- is there any railroads-- railway systems across the country that are just funded through fee based, or most of them get a general fund of some-- whether that's city, state.

MATTHEW ROQUE: Is the question about privately owned? Is that your question?

BALLARD: So I'm talk-- not private-- or-- just any railway. Because I think DOTs, they, they, they have-- their, their comments have merit, that the, the funding has to come from somewhere for-- maybe take the plan out and just look at-- if we end up building a, a railway system.

MATTHEW ROQUE: Yes.

BALLARD: Is there any railway system that is funded purely by rider fees?

MATTHEW ROQUE: So-- even Amtrak's service is funded by Amtrak itself and fees and the federal government. And currently, there are plans to extend the rail-- river roa-- the, the line that goes between St.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

Louis and Kansas City is being explored to extend up to St. Joe. And I was told specifically by, by Missouri DOT that they want to extend that up to Omaha. So there's passenger rail services that are happening around our state that would not incur a cost by Nebraska. But until we update the state rail plan and then rejoin, hopefully, the Midwest Interstate Passenger Rail Commission, we're not part of that conversation. We're not, we're not at the table. A state rail plan is literally the first step in planning for rail.

BALLARD: OK.

MATTHEW ROQUE: There are services throughout the country that, that operate wholly within a state, and those are wholly at the cost of the state or the user. But when rail crosses state lines, a large majority of the cost is incurred by user or the federal government.

BALLARD: OK. Thank you. Additional questions? Senator Guereca.

GUERECA: Thank you, Vice Chair Ballard. Thank you, sir, for being here today.

MATTHEW ROQUE: Yes.

GUERECA: Sort of piggybacking off Senator Ballard's comments. So there are some privately owned rail, but-- one that comes to mind is Brightline.

MATTHEW ROQUE: Yes.

GUERECA: And I believe in Florida-- it's solely within the state of Florida, but they are building a line between Los Angeles and Las Vegas.

MATTHEW ROQUE: That's correct.

GUERECA: Would that be the first privately owned, sort of purely passenger rail commuter dollars that crosses state lines?

MATTHEW ROQUE: So there are many privately owned rail services around the country. There are usually excursion trains. Brightline in Florida, which is already operational-- and it goes from I believe Miami to Orlando-- is the first commuter line that's privately owned. And as you said, the line between LA and Las Vegas will be the second privately owned commuter rail.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

GUERECA: So when you were talking earlier about the [INAUDIBLE] that's being kicked up to St. Joe, that, that is on existing freight line?

MATTHEW ROQUE: Yes. That's, that's an existing freight line rail that's already there. The majority of Amtrak's trains run on existing freight railroad. And we're not asking for anything different. Any, any new service in the state of Nebraska would, I, I, I could say with 99% certainty, run on existing rail.

GUERECA: And do you know who [INAUDIBLE] that line between Kansas City and Omaha?

MATTHEW ROQUE: I believe that's Union Pacific. OK. I don't-- sorry, I don't know. But I do know that the environmental studies I believe was completed this last summer. And, like, that, that is happening, so.

GUERECA: Thank you.

MATTHEW ROQUE: Yes.

BALLARD: Thank you, Senator Guereca. Additional questions? Seeing none. Thank you for being here.

MATTHEW ROQUE: Thank you.

BALLARD: Next proponent to LB1098.

JAMES HANNA: My name is James Hanna from Columbus, and I'm here as a member of the Rail Passengers Association, which is a nationwide rail advocacy group. Railroads have been an essential part of the economic development of Nebraska since before our state entered the union, and the building of the Union Pacific Railroad across the Nebraska territory was certainly significant in that act. Today, the Union Pacific-- America's largest railroad-- spans our state from east to west, has its headquarters in Omaha, operates the largest rail yard in the world in North Platte, has numerous facilities along that route, and supports thousands of jobs across our state. The BNSF Railway-- the second largest U.S. railroad-- may be headquartered in Texas but is a wholly owned subsidiary of the Berkshire Hathaway Corporation, also located in Omaha. It operates two lines across the width of Nebraska and two that cross north to south, has two large facilities in Lincoln, another in Alliance, and many smaller ones across the state. So it's pretty obvious that, that rail service is an important part of our economy. The availability of rail service in the right places is critical to attracting new business. A good example is the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

recent opening of AGP's huge \$700 million soybean processing plant near David City. It would not be there but for the presence of a BNSF branch line that was close to abandonment several years ago but was saved by the need for the ADM corn milling plant near Columbus to have access to a second railroad, which keeps their shipping costs controlled through competition. For the AGP plant, a former Union Pacific branch now operated by the Nebraska Central Railroad, serves the same competitive function. Nebraska needs to keep track of such opportunities throughout the state for use by the Department of Economic Development to attract prospective rail shippers to our state. This is just one critical function that a comprehensive, up-to-date rail plan will serve. The Federal Railroad Administration does not require but strongly encourages states to develop rail plans and to have-- and have provided an extensive set of instructions for how to do so, which should make the process fairly straightforward for our DOT. Where having a rail plan in place becomes essential is when the state seeks federal funding to support rail projects. Without a rail plan in place, Nebraska would be ineligible to apply. This will be especially important to expansion of passenger rail service beyond the current Amtrak California Zephyr that has stops in Omaha, Lincoln, Hastings, Holdrege, and McCook. In 2024, the FRA released an extensive study of potential future Amtrak routes throughout the U.S. Two of those routes will pass through Nebraska when-- if and when they're built. One will run from Dallas, Texas through Denver, Scottsbluff, Alliance, Chadron, Rapid City, and then east of Minneapolis. The other will also originate in Dallas through Oklahoma City, Topeka, Kansas City, Omaha, South Sioux City to Minneapolis. If those routes come to fruition without a current state rail plan and membership in the Midwest Interstate Passenger Rail Compact, Nebraska will be bypassed in those new services.

MOSER: You could kind of wind up your testimony-- testimony.

JAMES HANNA: One more paragraph. Nebraska's crossed by several of the busiest rail corridors in the nation. It's certainly in, in the best economic interest of our state for our government to be aware of their current status and how integration with other modes of transportation can drive increased growth and prosperity.

MOSER: Thank you.

JAMES HANNA: I thank the Transportation Committee for your attention.

MOSER: Thank you. If you could spell your name for the record, please.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

JAMES HANNA: I'm sorry. James, J-a-m-e-s; Hanna, H-a-n-n-a.

MOSER: Even though we've been friends for--

JAMES HANNA: A long time.

MOSER: --30 years, yeah. He comes from Columbus. Questions from the committee? Seeing none. Thank you very much for your testimony. Anybody else here to support LB1098? Welcome.

BRENT LUCKE: Hi. Thank you, Chair Moser and the other members of the committee. I learned today on my first day of coming to give testimonies at hearings to check the agenda before leaving work. Fortunately, my boss is very grateful. So I'll keep it brief. But--

MOSER: Name and address.

BRENT LUCKE: Oh, sorry.

MOSER: [INAUDIBLE] address. Name and spell it, please.

BRENT LUCKE: Yeah, yeah, yeah. Brent, Brent Lucke, B-r-e-n-t L-u-c-k-e. Sorry, I forgot since I did it earlier. Yeah. So I'm here to speak in support of this bill both as a community organizer for a local organization here in Lincoln as well as kind of an ad hoc organizer for a local urbanist advocacy group of a bunch of young people kind of-- that are passionate about cities and passionate about the future of this state. The-- a vision for a pass-- a future with passenger rail in the state of Nebraska is, is very exciting, and it's also really important for a lot of folks, particularly those that are just starting their careers and starting their families like me. I don't have the exact numbers in front of me, but transportation costs are a huge factor in households' abilities to make ends meet, as well as their ability to get ahead. And particularly-- anecdotally, I have a lot of friends. I know a lot of folks that, you know, graduated from UNL or UNO or came back to the state after attaining a degree that found somebody that's, you know, the love of their life and they want to live with, but unfortunately one of them has a job in Lincoln and one has a job in Omaha. And that makes it harder for households to make ends meet in the state and get ahead. And I think what really the core is of developing a transporta-- a rail plan-- a passenger rail plan is to provide Nebraskans choice in transportation and to provide a means both for economic development in the sense that households are able to save on their incomes but also economic development and the ability for regions to support one another. I was fortunate enough in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

my high school experience to do the Rotary Exchange Program, and I got to live a semester as an American abroad in Germany. And while certainly passenger rail probably won't look the same in Nebraska as it does in Germany, it did provide incredible benefits for youth having independence. I had some points here, but again, I'll, I'll try to wrap up quick. You know, my, my grandmother in the 1950s was able to come to Lincoln for state band because there was public transportation options to get to the city. I think that a passenger rail plan, while a-- you know, we won't just become Switzerland in the course of ten years, over at least the course my lifetime I hope this can lay the groundwork for a better Nebraska and one that allows more people to build a good life with choice around their transportation and commutes. So thank you all for your time.

MOSER: All right. Questions for the testifier? Yes, Senator Guereca.

GUERECA: Thank you, Mr. Chairman. Thank you, Mr. Lucke, for coming in. You-- your grandma, when she came in for state band, where was she coming in from?

BRENT LUCKE: Superior. So-- yeah. And that-- now, to clarify, that was a passe-- there was a bus service. But having these transportation options-- rail being one piece of the puzzle-- is essential. When I did Rotary, I talked to people that came up from Boise State, from Hastings, and they did take a train back in the-- I think he was in the '60s. So this is part of our past. It's something that created great benefits for social and economic mobility for Nebraskans. And I think it'd be great to have that opportunity again.

GUERECA: Thank you.

BRENT LUCKE: Yep.

MOSER: All right. Thank you for your testimony.

BRENT LUCKE: Yeah.

MOSER: Anyone else to speak in support of LB1098?

JOYCE VONDRASEK: Good afternoon.

MOSER: Welcome.

JOYCE VONDRASEK: Thank you. My name is Joyce Vondrasek, J-o-y-c-e V-o-n-d-r-a-s-e-k. I live in Omaha, Nebraska. I was born and raised in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

Omaha, live currently. I've moved away twice from Omaha for job opportunities in the bicycle share industry. I work for the bikeshare nonprofit Heartland BCycle in Omaha, which also operates here in Lincoln. You rent a bike, you ride it to another place, you leave it there. I've worked for the bikeshares in Philadelphia and Boston, Massachusetts. And I lived in both of those cities and enjoyed the expansive commuter rail networks that each of those cities offered. And I-- not only for my job and for professional things I did, but also for recreation. I used those systems. I would take my bicycle onto the commuter train and I would ride 100 miles outside of Boston. And then I would get off the train and ride my bicycle all the way back into the city on a bicycle path. And that's something I would like to do here in Nebraska. I would like to ride the train to Lincoln and then ride my bike back to Omaha from Lincoln, or vice versa. And you simply can't do recreational activities like that in Nebraska because the transit options are limited. I also want to say that I had the opportunity as the station chair for Transit Workers Union Local 320 in Boston, Massachusetts to travel to Chicago as well as Washington, D.C. and New York City and see how the transit infrastructure existed in those cities and the trains in those cities interacted with the bicycle infrastructure in those cities. And in that vein of thought, I just want to that as a young person who's moved away from the state twice and chosen to come back twice, on the topic of brain drain there is an attitude problem from this Legislature and from certain people in this state about, well, is something profitable or is this something we want to take the time to invest in? And I just have to say you are losing hundreds and thousands of people every year, young people, to the idea that Nebraska just doesn't have the cool things to stick around to do that other places have, and that's a huge problem. This bill is to create a rail-- a state rail plan. It's not even to talk about funding. And with all due respect, Senator, we're already asking questions about funding and how are we going to do this and is something profitable. Nobody asks if the interstate highway system's profitable ever. And I just want to say one more thing about this bill. Section 5(4) states that the Governor must approve the bill in order for it then to be sent to the State Secretary of Transportation on the federal level. And I think that should be amended so that whether or not the Governor approves of that, whoever the Governor is at a time, that plan should still have to be sent to the federal government. The Governor can give their opinion on that bill, but the plan should be required to send it to the federal government no matter what the Governor says. I think the Legislature should assert your authority in that matter instead of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

creating a bill that might give the Governor final authority over whatever happens to this plan in the end. So thank you for your consideration. And I will ask-- answer any questions if you have them. Thank you.

MOSEER: Questions for the testifier? Seeing none. Thank you very much.

JOYCE VONDRASEK: Thank you.

MOSEER: Anybody else to speak in support of LB1098? Welcome.

AL DAVIS: Good afternoon, Senator Moser. My name is Al Davis, A-l D-a-v-i-s. I'll just preface this by saying I came today to testify on a Revenue-- or, an, an Appropriations bill and knew that was going to run long. So I work for the Sierra Club. We did-- I was not able to be here on their behalf, but we did submit a letter via them, so I'm just testifying on my own behalf here. But, you know, I think Nebraska probably has more miles of, of freight than almost any other state in the country. And it really makes a lot of sense for us to really umple-- update and implement this plan because we need to know what the future is going to hold. I, I, I appreciate what the young man said behind us. I do think that there is interest among young Nebraskans to see us develop something like a rail system, recognizing that there are a lot of headwinds that might face us. But if we don't have a plan, we're never going to know what is out there and what options that we have. And having lived in-- on Long Island for a while, commuting into New York City, it was just wonderful getting on the train in the morning, pick up your paper and read it. And you arrive in New York and get off the train and there you are. And so, you know, the commute between Omaha and Lincoln, for those who have to do it-- like Senator DeBoer-- I'm sure it's a drag every day. The, the hour over and the hour back. So that's not productive time for people. A rail system between Lincoln and Omaha if it could be implemented and was feasible would be a tremendous plus for our state. So I really think it's important to update this plan and hope you all consider doing so. Thank you.

MOSEER: OK. Questions for Senator Davis.

AL DAVIS: Thank you.

MOSEER: We're letting you off easy. Thank you. Anybody else to speak in support of LB1098? Anybody to speak in opposition to LB1098? Is there

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 2, 2026
Rough Draft

anyone to speak in the neutral on LB1098? Seeing none. Senator Juarez, please come up and give us the close.

JUAREZ: First of all, I really want to thank all the people who came to speak on, on my bill today. They were definitely great supporters to me when I was hosting my town halls that I did this past fall. And the support was really amazing, and I appreciated it. I also wanted to answer the question about the tracks between Kansas City to Omaha, owned by Union Pacific and Canadian Pacific and Kansas City Southern. And I just wanted to say that I'm going to still continue to try to work on this goal of enhancing our transportation options in Nebraska. I know that it is a tremendous amount of work, but I am sincerely interested in the goal of enhancing our options. And I look forward to working with the committee and bringing the Department of Transportation's focus on rail, because I think it means success for our state. Thank you.

MOSEER: OK. Questions for the senator from the committee? Seeing none. Thank you very much for your--

JUAREZ: Mm-hmm.

MOSEER: --testimony, Senator. That will conclude our-- let's see. Did you read the--

BALLARD: No.

MOSEER: We have 3 proponent emails, 1 opponent email, and 0 ADA testimony. That will conclude our hearing for the Transportation and Telecommunications Committee for today. Thank you for attending.